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Rebecca McDowell Cook
Secretary of State

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MISSOURI



REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule.

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 24, *Missouri Register*, page 27. The approved short form of citation is 24 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1 Department	CSR	10- Agency, Division	1. General area regulated	010 Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division in the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part I., subpart (a), item I. and subitem a.

RSMo—Cite material in the RSMo by date of legislative action. The note in parentheses gives the original and amended legislative history. The Office of the Revisor of Statutes recognizes that this practice gives users a concise legislative history.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo Supp. 1999. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the Missouri and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons and findings which support its conclusion that there is an immediate danger to the public health, safety or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than 180 calendar days or 30 legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

not dangerous to the adopters, traveling public, and Missouri Department of Transportation employees. The commission finds that vandalism and theft occurring on state highway right-of-way creates an immediate danger to the health, safety and welfare to the citizens of Missouri. The scope of this emergency amendment is limited to the circumstances creating the emergency and complies with the protections extended by the Missouri and United States Constitutions. The commission believes this emergency amendment to be fair to all interested persons and parties under the circumstances. Emergency Amendment filed July 10, 2000, expires November 17, 2000.

(1) The signs shall—

(A) Identify *[and recognize]* the adopter, but are not intended to be, an advertising medium or serve as a means of providing a public forum for the participants;

(B) Be *[designated]* designed by the department *[regarding]* as to size, color, *[location]*, and text; and

(C) Have the actual name of the adopter with no telephone numbers, logos, slogans or addresses, **including internet addresses**, with verbiage kept to a minimum.

(2) The signs shall not contain wording which is obscene, *[or]* profane, **or sexually suggestive** or implies an obscenity *[or]* profanity **or sexual content**.

(3) The erection of a sign is not a requirement for participation in the program. *[The commission, at their sole discretion, may refuse to erect a sign under the program.] If a sign is damaged, destroyed, stolen, or removed from its foundation by an act of vandalism, the department will provide and erect a replacement sign at department cost. If the replacement sign is damaged, destroyed, stolen or removed from its foundation by an act of vandalism, the department will provide and erect one additional replacement sign at department cost. If the second replacement sign is damaged, destroyed, stolen, or removed from its foundation by an act of vandalism, no further sign will be provided or erected.*

[(4) The signs cannot be used as a memorial.]

(4) Two (2) signs will be erected for each adopter, one at each end of the adopted section, at a location determined by the department.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed July 10, 2000, effective July 20, 2000, expires Nov. 17, 2000. A proposed amendment covering this same material is published in this issue of the *Missouri Register*.

**Title 7—DEPARTMENT OF [HIGHWAYS AND]
TRANSPORTATION**
**Division 10—Missouri Highways and Transportation
Commission**
Chapter 14—Adopt-A-Highway Program

EMERGENCY AMENDMENT

7 CSR 10-14.050 Sign [Specifications]. The commission proposes to amend this rule to delete the word "Specifications" from the rule heading, amend subsections (1)(A), (1)(B), (1)(C), sections (2) and (3), delete the previous section (4) and add a new section (4).

PURPOSE: This emergency amendment is to clarify the purpose and intent of the adopt-a-highway signs.

EMERGENCY STATEMENT: The Missouri Highways and Transportation Commission is responsible for maintaining its property in a condition that is not dangerous thus not creating a reasonable foreseeable risk of harm of injury. The previous rule did not provide a standard with respect to the replacement of an adopter's sign in the event of vandalism or theft. Vandalism and theft of state property has occurred and the replacement of the signs has become an issue that requires being addressed. Therefore, this rule must be enacted in order for the commission to maintain the state highway right-of-way in a condition that is

Title 15—ELECTED OFFICIALS
Division 40—State Auditor
Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RESCISSON

15 CSR 40-3.100 Revision of Property Tax Rates by School Districts. This rule applied to school districts and was designed to implement section 137.073, RSMo as it applied to revising property tax rates.

PURPOSE: The State Auditor's Office is proposing to rescind this rule and promulgate a new rule to implement the procedures of

Senate Bill No. 894, 90th General Assembly—2000 amending section 137.073, RSMo as it applies to calculating and revising property tax rates and to comply with provisions of Article X, Section 22 of the Missouri Constitution. 15 CSR 40-3.120 will replace 15 CSR 40-3.100 and 15 CSR 40-3.110.

EMERGENCY STATEMENT: The Missouri State Auditor's Office finds a compelling governmental interest in rescinding this rule and establishing an early effective date for the Emergency Rule 15 CSR 40-3.120 in order to implement the statutory requirements of section 137.073, RSMo as enacted by Senate Bill No. 894, 90th General Assembly—2000, amending section 137.073, RSMo with regard to procedures for calculating and revising property tax rates. The scope of the Emergency Rule is limited to circumstances creating the emergency and complies with the protection extended in the Missouri and United States Constitution. The State Auditor's Office believes this emergency rescission is fair to all interested parties affected by the circumstances. A proposed rule covering this same material is published in this issue of the Missouri Register.

This emergency rule preserves the compelling governmental interest of applying constitutional provisions requiring tax rates to yield the same gross revenue, adjusted for changes in the general price level, as collected in the prior year, as required in Article X, Section 22 of the Missouri Constitution, by the expeditious implementation of procedures for calculation of the tax rate levy. Emergency rescission filed July 14, 2000, effective July 24, 2000, expires February 22, 2001.

AUTHORITY: section 137.073.6, RSMO Supp. 1999. Original rule filed Jan. 3, 1992, effective Aug. 6, 1992. Amended: Filed June 14, 1994, effective Nov. 30, 1994. Emergency amendment filed June 14, 1996, effective June 24, 1996, expired Dec. 20, 1996. Amended: Filed June 14, 1996, effective Nov. 30, 1996. Emergency rescission filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. A proposed rescission covering this same material is published in this issue of the Missouri Register.

Title 15—ELECTED OFFICIALS

Division 40—State Auditor

Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RESCISSION

15 CSR 40-3.110 Revision of Property Tax Rates by Political Subdivisions Other Than School Districts. This rule applied to school districts and was designed to implement section 137.073, RSMo as it applied to revising property tax rates.

PURPOSE: The State Auditor's Office is proposing to rescind this rule and promulgate a new rule to implement the procedures of Senate Bill No. 894, 90th General Assembly—2000 amending section 137.073, RSMo as it applies to calculating and revising property tax rates and to comply with provisions of Article X, Section 22 of the Missouri Constitution. 15 CSR 40-3.120 will replace 15 CSR 40-3.100 and 15 CSR 40-3.110.

EMERGENCY STATEMENT: The Missouri State Auditor's Office finds a compelling governmental interest in rescinding this rule and establishing an early effective date for the Emergency Rule 15 CSR 40-3.120 in order to implement the statutory requirements of section 137.073, RSMo as enacted by Senate Bill No. 894, 90th General Assembly—2000, amending section 137.073, RSMo with regard to procedures for calculating and revising property tax rates. The scope of the Emergency Rule is limited to circumstances

creating the emergency and complies with the protection extended in the Missouri and United States Constitution. The State Auditor's Office believes this emergency rescission is fair to all interested parties affected by the circumstances. A proposed rule covering this same material is published in this issue of the Missouri Register.

This emergency rule preserves the compelling governmental interest of applying constitutional provisions requiring tax rates to yield the same gross revenue, adjusted for changes in the general price level, as collected in the prior year, as required in Article X, Section 22 of the Missouri Constitution, by the expeditious implementation of procedures for calculation of the tax rate levy. Emergency rescission filed July 14, 2000, effective July 24, 2000, expires February 22, 2001.

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Title 15—ELECTED OFFICIALS

Division 40—State Auditor

Chapter 3—Rules Applying to Political Subdivisions

EMERGENCY RULE

15 CSR 40-3.120 Calculation and Revision of Property Tax

PURPOSE: This emergency rule applies to all political subdivisions and is promulgated to implement the procedures of Senate Bill No. 894, 90th General Assembly—2000, amending section 137.073, RSMo as it applies to calculating and revising property tax rates. 15 CSR 40-3.120 will replace 15 CSR 40-3.100 and 15 CSR 40-3.110.

EMERGENCY STATEMENT: The Missouri State Auditor's Office finds a compelling governmental interest in establishing an early effective date for the following rule in order to implement the statutory requirements of section 137.073, RSMo as amended by Senate Bill No. 894, 90th General Assembly—2000, amending section 137.073, RSMo with regard to procedures for calculating and revising property tax rates. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protection extended in the Missouri and United States Constitution. The State Auditor's Office believes this emergency rule is fair to all interested parties affected by the circumstances. This emergency rule was filed July 14, 2000, effective July 24, 2000 and will expire February 22, 2001. A proposed rule covering this same material is published in this issue of the Missouri Register.

This emergency rule preserves the compelling governmental interest of applying constitutional provisions requiring tax rates to yield the same gross revenue, adjusted for changes in the general price level, as collected in the prior year, as required in Article X, Section 22 of the Missouri Constitution, by the expeditious implementation of procedures for calculation of the tax rate levy.

- (1) The following forms with instructions are available from the State Auditor's Office—Tax Rate Review Section, and have been adopted and approved for use by school districts and all other political subdivisions to compute and substantiate the annual tax rate

ceiling(s) pursuant to the requirements of the *Missouri Constitution*, Article X, Section 22 and section 137.073, RSMo:

- (A) Tax Rate Summary Page;
- (B) Form A Computation of Reassessment Growth and Rate for Compliance with Article X, Section 22 and Section 137.073;
- (C) Form B New Voter Approved Tax Rate or Tax Rate Increase;
- (D) Form C Debt Service;
- (E) Form G Recoupment for Political Subdivisions.

AUTHORITY: section 137.073.6, RSMo Supp. 1999. Emergency rule filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. A proposed rule covering this same material is published in this issue of the Missouri Register.

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entrily new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rule-making process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least 30 days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than 30 days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the 90-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than 30 days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 3—DEPARTMENT OF CONSERVATION

Division 10—Conservation Commission

Chapter 5—Wildlife Code: Permits for Hunting, Fishing, Trapping

PROPOSED AMENDMENT

3 CSR 10-5.205 Permits Required; Exceptions. The department proposes to amend subsection (1)(F).

PURPOSE: This amendment allows youth who have purchased a Youth Deer and Turkey Hunting Permit to purchase other firearms deer and turkey hunting permits after their eleventh birthday during the same permit year, provided, they are hunter education certified and surrender the unused portions of their Youth Deer and Turkey Hunting Permit.

(1) Any person who chases, pursues, takes, transports, ships, buys, sells, possesses or uses wildlife in any manner must first obtain the prescribed hunting, fishing, trapping or other permit, or be exempted under 3 CSR 10-9.110, with the following exceptions:

(F) Any person under twelve (12) years of age may purchase a Youth Deer and Turkey Hunting Permit without display of a hunter education certificate card, and may take one (1) antlered deer statewide, or one (1) antlerless deer in a deer management unit where any-deer permits are issued, during **any portion of the firearms deer hunting season/s except that only an antlerless deer may be taken in units open during the January portion of the firearms deer hunting season**; one (1) male turkey or turkey with visible beard during the spring turkey hunting season; and one (1) turkey of either sex during the fall firearms turkey hunting season; provided, s/he is hunting in the immediate presence of a properly licensed adult hunter who has in his/her possession a valid hunter education certificate card. *[No other firearms deer or turkey hunting permit may be purchased during the prescribed permit year.]* Youth Deer and Turkey Hunting Permit holders attaining the age of eleven (11) during the prescribed permit year, and who have a valid hunter education certificate card, may surrender unused portion(s) of the Youth Deer and Turkey Hunting Permit and purchase other firearms deer and turkey hunting permits. Deer and turkeys taken under the Youth Deer and Turkey Hunting Permit must be included in the total season limits.

AUTHORITY: sections 40 and 45 of Art. IV, Mo. Const. Original rule filed July 22, 1974, effective Dec. 31, 1974. For intervening history, please consult the *Code of State Regulations*. Amended: Filed April 24, 2000. Amended: Filed July 6, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with John W. Smith, Deputy Director, Department of Conservation, P.O. Box 180, Jefferson City MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 90—State Board of Cosmetology

Chapter 4—Beauty Shops

PROPOSED AMENDMENT

4 CSR 90-4.010 Shops. The board is proposing to amend subsection (6)(A), and delete the forms that follow this rule in the *Code of State Regulations*.

PURPOSE: This rule is being amended to allow cosmetologists who have been licensed in another state two (2) or more years and who have obtained licensure in Missouri by reciprocity to be eligible for an apprentice supervisor in Missouri and delete the forms that immediately follow the rule in the *Code of State Regulations*.

(6) Apprentice Supervisors.

(A) Any person desiring to practice as an apprentice supervisor shall have been licensed as a cosmetologist and/or manicurist *[in Missouri]* for not less than two (2) years immediately prior to

application as an apprentice supervisor. Said person shall provide to the board—

1. The name and address of the apprentice to be supervised;
2. Apprentice supervisor application properly completed on a form supplied by the board;
3. Two (2) letters of character reference for the apprentice supervisor;
4. Two (2) additional letters of reference from licensed cosmetologists affirming the applicant's competence as a cosmetologist and/or manicurist;
5. Proof of successful completion of a twelfth grade education (diploma or General Educational Development (GED) certificate);
6. Two (2) bust photographs measuring two inches square (2" x 2") taken within the last two (2) years;
7. An affidavit attesting that the apprentice supervisor shall be physically present at all times that his/her apprentice is receiving credited hours toward the required minimum for testing. For emergency purposes one (1) secondary licensed cosmetologist/manicurist from the apprentice shop shall be named as acting apprentice supervisor. The acting supervisor shall not be responsible for more than a total of five percent (5%) or one hundred fifty (150) hours of supervision for a cosmetology apprentice. The acting supervisor shall not be responsible for more than a total of five percent (5%) or thirty-five (35) hours of supervision for a manicuring apprentice. The designation of an acting supervisor is limited to cases of sickness, vacation, or emergencies of the apprentice supervisor and any misuse of this privilege shall result in said supervisor's certificate revocation. The acting apprentice supervisor shall hold a current license consistent with the training of the apprentice and must be named and approved;
8. Application for a board-approved training session emphasizing teaching methodology. The session shall be eight (8) hours in length. Those apprentice supervisor applicants who currently are licensed instructors in the state of Missouri may forego the training session for becoming a supervisor; and
9. The training session fee.

A. Upon the receipt by the board of all items required by subsection (6)(A), the board shall schedule the applicant for seminar training as an apprentice supervisor.

B. Upon the successful completion of the seminar, the board shall issue the applicant a certificate as an apprentice supervisor. The apprentice supervisor certificate shall expire upon the apprentice's completion of training hours. The apprentice supervisor certificate is nontransferable and nonrenewable, unless an extension of the certificate is necessary for the apprentice to complete his/her hours. The apprentice supervisor certificate shall be conspicuously displayed within the apprentice shop with a photograph taken within the last two (2) years.

C. The apprentice supervisor shall not hold him/herself out as a school and shall not train/supervise more than one (1) apprentice at a time. The apprentice supervisor shall not accept any fee from the apprentice or any representative of the apprentice for instruction, rent, supplies, equipment or any other necessary tools for instruction.

D. The apprentice supervisor must provide the following equipment: dresserette, mannequin, manicure table and supplies, current textbook on theory, facial equipment, thermal iron, hairdressing supplies and other equipment as deemed necessary and reasonable by the board.

E. The apprentice supervisor shall submit monthly reports by the tenth day of the following month for the apprentice in training on forms supplied by the board. Upon termination of training by the apprentice, submit to the board within two (2) weeks a properly completed termination form supplied by the board. The form shall list the total number of training hours completed by the apprentice, allocated by subject area, the date the apprentice terminated training, and shall be accompanied by the apprentice's license and any unused materials supplied by the board.

F. All previously approved apprentice supervisors applying to supervise an apprentice after September 1, 1995, shall comply with all regulations for apprentice supervisors as set forth in 4 CSR 90-4.010.

G. The apprentice supervisor has thirty (30) days to begin training of apprentice subsequent to attending the board-approved training session as referenced in 4 CSR 90-4.015.

H. The board shall grant a waiver of the training session fee and completion of a board-approved training session provided—

(I) Within the first six (6) months of the date of issuance of the apprentice supervisor certificate either party terminates the training; and

(II) The apprentice supervisor reapplies to supervise a new apprentice within the same six (6) months.

AUTHORITY: sections 329.010 and 329.050, RSMo Supp. 1999 and 329.230, RSMo 1994. This version of rule filed June 26, 1975, effective July 6, 1975. For intervening history, please consult the Code of State Regulations. Amended: Filed July 11, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Cosmetology, Pamela A. Hoelscher, Executive Director, P.O. Box 1062, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 145—Missouri Board of Geologist Registration Chapter 2—Licensure Requirements

PROPOSED RULE

4 CSR 145-2.055 Complaints, Appeals and Challenges of Examination

PURPOSE: This rule establishes the procedures by which an examination candidate may make a complaint about the examination administration, appeal the examination content and/or make a challenge to the examination.

(1) Examination Administration Complaints.

(A) A candidate may file a complaint regarding the administration of the examination by sending a letter to the Missouri Board of Geologist Registration (MBGR), in which the candidate will describe the basis for the administrative complaint and will include pertinent information. The letter of complaint must be postmarked no later than thirty (30) business days after the date of the examination and must be sent via traceable mail with delivery-signature of receipt required (e.g., certified mail).

(B) The MBGR through the executive director will investigate and determine the validity of the complaint and will respond to the candidate via traceable mail with delivery-signature of receipt required (e.g., certified mail) within sixty (60) business days after receiving the complaint.

(2) Content Appeals.

(A) A candidate may begin an appeal process of an examination by submitting a written request to the board office for one or more of the following:

1. The line-item results;
2. A manual regrade; and/or
3. To inspect his/her examination papers at the office of the MBGR during mutually convenient normal business hours.

(B) Said request(s) must be postmarked no later than thirty (30) business days after receipt of the examination results and must be sent via traceable mail with delivery-signature of receipt required (e.g., certified mail). In making the request(s), the candidate must submit payment of the applicable processing fee(s) directly to the testing service.

(C) At the time of inspection, no one other than the examinee and/or his/her attorney and a representative of the MBGR shall have access to the examination papers, and no material other than the examination papers may be taken into or out of the inspection room. The inspection shall not exceed four (4) hours, unless special accommodations are requested at least seven (7) business days prior to the inspection and are approved by the executive director.

(3) Examination Challenges.

(A) Within thirty (30) business days after receiving the requested appeal information and/or inspecting the examination papers, the candidate may issue a challenge by asking the MBGR to review a particular question(s). In making such a challenge, the candidate will describe the basis for the challenge and will include pertinent information. The letter of challenge must be sent to the board office via traceable mail with delivery-signature of receipt required (e.g., certified mail).

(B) The MBGR with the executive director will investigate the challenge and will have a hearing at a mutually agreeable time to determine the validity of the challenge. The MBGR will hold the hearing and will respond to the candidate via traceable mail with delivery-signature of receipting (e.g., certified mail) the challenge within sixty (60) business days.

(C) In making said challenge, the candidate agrees to abide by the decision of the MBGR.

AUTHORITY: section 256.462, RSMo 1994. Original rule filed July 11, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$20.86 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$1,250.66 annually for life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Geologist Registration, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 145 – Missouri Board of Geologist Registration

Chapter: 2 – Licensure Requirements

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 145-2.055 Complaints, Appeals and Challenges of Examination

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
5 Decision letters regarding validity of complaint regarding administration of examination (postage)	\$14.90
2 Decision letters regarding validity of the challenge (postage)	\$5.96
	Total Cost Per Year for the Life of the Rule \$20.86

III. WORKSHEET

Postage – certified mail @ \$2.98

IV. ASSUMPTIONS

These annual costs will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development
Division: 145 – Missouri Board of Geologist Registration
Chapter: 2 – Licensure Requirements
Type of Rulemaking: Proposed Rule
Rule Number and Name: 4 CSR 145-2.055 Complaints, Appeals and Challenges of Examination

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate annual cost of compliance with the rule by the affected entities:
5	Individuals submitting examination complaints (postage)	14.90
10	Individuals appealing examination contents (postage)	29.80
10	Individuals appealing examination contents (processing fee submitted directly to testing service)	500.00
10	Individuals appealing examination contents (milage)	700.00
2	Individuals issuing a challenge (postage)	5.96
Total Cost Per Year for the Life of the Rule		1,250.66

III. WORKSHEET

Postage – certified mail @ \$2.98
 Processing fee @ \$50.00
 Mileage (average 250 miles) @ .28

IV. ASSUMPTIONS

1. The board anticipates five (5) individuals will submit examination complaints annually. The board estimates this process will cost each applicant approximately \$2.98.
2. The board anticipates ten (10) individuals will request the appeal process of the examination annually. The board estimates this process will cost each applicant approximately \$122.98.
3. The board anticipates two (2) individuals will challenge the examination annually. The board estimates this process will cost each applicant approximately \$2.98.
4. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and are expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 145-2.060 Licensure by Reciprocity. The board is proposing to amend section (1) and delete the Editor's note about form following 4 CSR 145-2.030.

PURPOSE: This amendment will eliminate duplicate requirements on applicants for licensure by reciprocity.

(1) An applicant with *[an original,]* a current license to practice geology in another state, jurisdiction, territory, or country may be granted licensure in Missouri without examination, provided the applicant submits evidence acceptable to the board that the requirements under which s/he *[was originally]* is licensed *[were]* are substantially identical or more stringent than the requirements in this state, at the time of application.

AUTHORITY: sections 256.462.3, RSMo 1994 and 256.468, RSMo Supp. 1999. Emergency rule filed June 29, 1995, effective July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 145—Missouri Board of Geologist Registration
Chapter 2—Licensure Requirements

PROPOSED AMENDMENT

4 CSR 145-2.070 Geologist-Registrant In-Training. The board is proposing to amend subsection (1)(B), and delete the form that follows this rule in the *Code of State Regulations*.

PURPOSE: This amendment will reflect the changes made by Senate Bill 320 of the 88th General Assembly to the qualifications for the "Geologist-Registrant in-Training" status of section 256.468.7, RSMo Supp. 1999. The board is also proposing to delete the form that immediately follows this rule in the *Code of State Regulations*.

(1) Any person engaged in post-baccalaureate experience in the practice of geology as defined in section 256.453(7), RSMo, may apply for geologist-registrant in-training by obtaining an application from the board.

(B) The applicant shall have passed *[both]* the Fundamentals of Geology *[and Principles and Practice of Geology]* portion of the National Geologist Examination as developed by the National Association for the State Boards of Geology (ASBOG) or its predecessor.

AUTHORITY: sections 256.462.3, RSMo 1994 and 256.468, RSMo Supp. 1999. Emergency rule filed June 29, 1995, effective

July 9, 1995, expired Nov. 5, 1995. Original rule filed Sept. 28, 1995, effective May 30, 1996. Amended: Filed July 11, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Geologist Registration, Desmond Peters, Executive Director, P.O. Box 1335, Jefferson City, MO 65102-1335. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.001 Definitions. The board is proposing to amend section (4).

PURPOSE: The purpose of this amendment is to specify deadline date exceptions.

(4) The term "timely pay," as used in section 334.100.2(4)(n), RSMo, shall mean any license renewal fee received by the board *[within sixty (60) days of]* prior to the *[license renewal]* licensure expiration date. Renewal forms postmarked by the post office February 1 or after will be considered delinquent, however, should January 31 fall on a Saturday, Sunday or legal holiday, renewal forms postmarked by the post office on the next business day will not be considered delinquent.

AUTHORITY: sections 334.045, 334.046, 334.090, 334.100 and 334.125, RSMo *[Supp. 1995]* Supp. 1999 and 334.090, RSMo 1994. Original rule filed Jan. 19, 1988, effective April 15, 1988. Amended: Filed April 15, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

**4 CSR 150-2.005 Examination Requirements for Permanent
Licensure.** The board is proposing to delete section (6).

PURPOSE: The purpose of this amendment is to implement Senate Bill 141 of the 89th General Assembly.

[(6) The board may waive the provisions of section (4) of this rule if the applicant is American Specialty Board-certified, licensed to practice as a physician and surgeon in another state of the United States or the District of Columbia and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia. Prior to waiving the provisions of section (4) of this rule, the board may require the applicant to achieve a passing score on one (1) of the following: The American Specialty Board's certifying examination in the physician's field of specialization, Part II of the FLEX or the Federation of State Medical Board's Special Purpose Examination (SPEX). If the board waives the provisions of section (4) of this rule, then the license issued to the applicant may be limited or restricted to the applicant's board specialty.]

AUTHORITY: sections 334.031, 334.040 and 334.125, RSMo [1986] Supp. 1999 and 334.043, RSMo 1994. Original rule filed Feb. 17, 1988, effective May 12, 1988. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.065 Temporary Licenses to Teach or Lecture in Certain Programs. The board is proposing to amend subsection (2)(B).

PURPOSE: The amendment redefines an accredited hospital.

(2) As used in this rule, unless specifically provided otherwise, the term—

(B) Accredited [teaching] hospital shall mean a hospital located in Missouri [which is approved and accredited to teach graduate medical education by the accreditation council on graduate medical education of the AMA or the education committee of the AOA;] and licensed by the Missouri Department of Health—Bureau of Health Facility Regulation;

AUTHORITY: sections 334.046 [*1*, RSMo Supp. 1989] and 334.125, RSMo [1986] Supp. 1999. Original rule filed Jan. 19, 1988, effective April 15, 1988. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.080 Fees. The board is proposing to delete subsections (1)(Q), (1)(R), and (1)(S) and reletter the remaining subsections accordingly.

PURPOSE: Since the board no longer utilizes Component I Federation Licensing Examination, Component II Federation Licensing Examination or Step 3 United States Medical Licensing Examination, the board is proposing to delete the required fees from this rule.

(1) The following fees are established by the State Board of Registration for the Healing Arts:

<i>[(Q)] Component I Federation Licensing Examination</i>	\$ 250.00;
<i>[(R)] Component II Federation Licensing Examination</i>	\$ 300.00;
<i>[(S)] Step 3 United States Medical Licensing Examination</i>	\$450.00; <i>[(T)] (Q) Continuing Medical Education Extension Fee</i> \$ 15.00
<i>[(U)] (R) Photocopy Fee—public records (per page)</i>	\$.25
<i>[(V)] (S) Document Search Fee—public records (per hour)</i>	\$ 20.00 with a minimum fee of \$ 5.00
<i>[(W)] (T) Access Fee—public records maintained on computer facilities, recording tapes or discs, videotapes or films, pictures, slides, graphics, illustrations or similar audio or visual items or devices. Actual cost of reproduction plus document search fee (per hour)</i>	\$ 20.00 with a minimum fee of \$ 5.00
<i>[(X)] (U) Duplicate License Fee</i>	\$ 30.00

AUTHORITY: sections 334.090.2, RSMo 1994 and 334.125 and 610.026, RSMo Supp. 1999. Emergency rule filed July 1, 1981, effective July 11, 1981, expired Nov. 8, 1981. Original rule filed July 14, 1981, effective Oct. 11, 1981. For intervening history, please consult the *Code of State Regulations*. Amended: Filed July 11, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the

State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 2—Licensing of Physicians and Surgeons

PROPOSED AMENDMENT

4 CSR 150-2.100 Licensing of International Medical Graduates—Reciprocity. The board is proposing to delete section (2) and renumber the remaining section accordingly.

PURPOSE: This amendment implements SB141 of the 89th General Assembly.

/(2) The board may waive the provisions of subsection (1)(D) of this rule if the applicant is American Specialty Board-certified, licensed to practice as a physician and surgeon in another state of the United States or the District of Columbia and the applicant has achieved a passing score on a licensing examination administered in a state or territory of the United States or the District of Columbia. Prior to waiving the provisions of subsection (1)(D) of this rule, the board may require the applicant to achieve a passing score on one (1) of the following: The Appropriate Specialty Board's certifying examination in the physician's field of specialization, Component 2 of the FLEX before January 1, 1994, Step 3 of the USMLE or the Special Purpose Examination (SPEX). If the board waives the provisions of subsection (1)(D) of this rule, then the license issued to the applicant may be limited or restricted to the applicant's board specialty.]

/(3) (2) As used in this rule, the term fifth pathway shall mean a candidate for licensure who has successfully completed four (4) years of medical education in Mexico and then completes a training program in the United States at a medical college approved and accredited by the AMA or its Liaison Committee on Medical Education or an osteopathic college approved and accredited by the American Osteopathic Association (AOA) in lieu of completing a year of internship and social service work in Mexico.

(A) A fifth pathway candidate may be eligible for licensure to practice the healing arts in this state if s/he satisfies the following requirements:

1. An applicant must have completed all of the prescribed curriculum at his/her school of medicine and the curriculum in this state and the applicant must have completed training at a medical school whose curriculum has been approved by the proper Mexican government agency;

2. An applicant must meet the academic requirements for licensure in Mexico; and

3. An applicant must be either American Specialty Board-eligible or have completed three (3) years of postgraduate training in one (1) recognized specialty area of medicine in a program which is approved and accredited to teach postgraduate medical education by the accreditation council on graduate medical education of the AMA or the education committee of the AOA.

AUTHORITY: sections 334.031, 334.040 and 334.125, RSMo [1986] Supp. 1999 and 334.035, RSMo 1994. Original rule filed July 12, 1984, effective Jan. 1, 1987. For intervening history,

please consult the Code of State Regulations. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 3—Licensing of Physical Therapists and Physical Therapist Assistants

PROPOSED AMENDMENT

4 CSR 150-3.203 Acceptable Continuing Education. The board is proposing to amend section (5).

PURPOSE: This amendment corrects typographical errors.

(5) Acceptable continuing education is automatically approved if such course or activity is obtained as follows:

(B) Academic coursework completed at a regionally accredited college or university in subject matter directly related to the practice of physical therapy, as defined in section 334.500(4), RSMo in which the licensee earns a grade of a "C" or above. For the purpose of this subsection each semester credit hour shall be acceptable as ten (10) hours of continuing education, each trimester credit hour shall be acceptable as eight (8) hours of continuing education, one-quarter credit hour shall be acceptable as seven (7) hours of continuing education.

1. An official transcript, from a regionally accredited college or university, indicating successful completion of academic coursework in appropriate subject matter related to practice of physical therapy as specified in section */(3) (4)* of this rule, specifically reporting that the licensee earned a grade of at least a "C" for that course, and the number of credit hours awarded for the course shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(E) Professional program presentations presented by the licensee in subject matter directly related to the practice of physical therapy which meets the criteria specified in section */(3) (4)* of this rule as delivered in a lecture and/or demonstration format other than academic curricula.

1. The maximum continuing education hours for presentation activities per licensee shall not exceed fifteen (15) hours during any two (2)-year reporting period.

2. The delivering of a presentation for the first time or a workshop or course shall be creditable for three (3) hours of continuing education for each hour of actual presentation time (this ratio reflects the preparation time required in delivering an initial presentation).

3. The delivering of a presentation, workshop or course for a second time shall be creditable for one (1) hour of continuing education for each hour of actual presentation time (this ratio reflects

the lesser degree of preparation time required for the second presentation of a workshop or course).

4. The delivering of a presentation, workshop or course more than two (2) times, in any two (2)-year reporting period, is not acceptable for continuing education hours (this reflects the minimal preparation time necessary for multiple presentations of the same workshop or course).

5. A written announcement of a presentation schedule and/or brochure specifically identifying the licensee as */a or/* the presenter of a course/seminar/program which meets the criteria specified in section */(3)(4)* of this rule and section 334.500(4), RSMo shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(H) Publication of a chapter in a peer-reviewed physical therapy or medical publication shall be creditable for five (5) hours of continuing education.

1. A copy of the chapter as published in a peer-reviewed physical therapy or medical publication specifically identifying the licensee as the author of such chapter, as well as a copy of the cover of the publication, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(I) Videotaped presentation reviews which identify a specific sponsor, sponsoring group or agency, provided that the videotaped presentation meets the criteria specified in section */(3)(4)* of this rule.

1. A certificate of completion of a videotaped presentation review specifically identifying the licensee as well as the specific sponsor, along with the name of the facilitator or program official present during the review, as well as all others in attendance during the review, provided that */the/* such presentation meets the criteria specified in section */(3)(4)* of this rule and section 334.500(4), RSMo, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(J) Home study courses, which meet the criteria specified in section */(3)(4)* of this rule and section 334.500(4), RSMo, which result in the awarding of a certificate of completion, shall be creditable for the number of hours specified on the certificate of completion.

1. A certificate of completion verifying the completion of a home study course meeting the criteria specified in section */(3)(4)* of this rule and section 334.500(4), RSMo, specifically identifying the licensee and the continuing education hours such course is creditable for, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof.

(L) Initial CPR (*Cardiac Pulmonary Resuscitation*) (*Cardiopulmonary Resuscitation*) certification or recertification shall be creditable for each hour of actual attendance in certification or recertification training.

1. A copy of a CPR certification or recertification certificate, specifically identifying the licensee as the person awarded such certification or recertification, shall be the document(s) necessary as proof of compliance if audited by the board to submit proof. This credit for continuing education hours shall only be applicable once during each two (2)-year reporting period.

AUTHORITY: sections 334.125 and 334.507, RSMo Supp. [1998] 1999. Original rule filed May 14, 1999, effective Dec. 30, 1999. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for

Physical Therapists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.051 Definitions. The board is proposing to amend subsection (1)(D).

PURPOSE: This rule amends the definition of "hour of continuing education."

(1) For the purpose of this chapter, the following definitions shall apply:

(D) Hour of continuing education—means a minimum of fifty (50) minutes and up to a maximum of sixty (60) minutes spent in actual attendance at and/or completion of an approved continuing education activity; continuing education units (CEUs) are rounded down to the nearest hour; and

AUTHORITY: sections 345.030 and 345.051, RSMo Supp. [1998] 1999. Original rule filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed Nov. 16, 1998, effective July 30, 1999. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, Tina Steinman, Executive Director, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.055 Applicants for Provisional Licensure. The board is proposing to amend the original purpose statement and sections (4), (6) and (8).

PURPOSE: This amendment changes the text of this rule to be consistent with legislative amendments made to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule provides the requirements for speech-language pathology and [clinical] audiology provisional licensure pursuant to section 345.022, RSMo.

(4) The fee for provisional licensure shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a bank draft, post office money order or express money order payable on a United States Bank made payable to the *[Missouri Board of Healing Arts]* State Board of Registration for the Healing Arts. Personal and/or corporate checks will not be accepted. No application will be processed until the licensure fee is received.

(6) Applicants for provisional licensure must submit the following documentation:

(B) Proof of passage of the National Examination in Speech-Language Pathology and/or *[Clinical]* Audiology. Examination scores must be submitted to the board directly from the Educational Testing Service. The passing score shall remain consistent with the passing score set by the American Speech-Language-Hearing Association, on the date of licensure application;

(8) Applicants seeking provisional licensure in both speech-language pathology and *[clinical]* audiology shall meet the qualifications and submit the required documentation as stated above for both professions.

AUTHORITY: sections 345.022 and 345.030, RSMo *[Supp. 1995] Supp. 1999*. Original rule filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to the proposed amendment with the State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.060 Fees. The board is proposing to amend sections (1)-(3), add a new section (4), and renumber the remaining sections accordingly.

PURPOSE: This amendment changes the renewal period from annual to biennial for Speech-Language Pathologists and Audiologists, aides and provisional licensees and establishes the fee for Speech-Language Pathology Assistants' registration, renewal, and reinstatement.

(1) The following fees are established by the Advisory Commission for Speech-Language Pathologists and *[Clinical]* Audiologists and are payable in the form of a cashier's check or money order:

(B) **Biennial Licensure Renewal Fee—Odd Numbered Years**
(personal checks acceptable) **\$/25.00/50.00**

(2) The following fees apply to speech-language pathology and *[clinical]* audiology aides:

(A) [Registered] Registration Application	\$25.00
Processing Fee	
(B) Biennial Registration Renewal Fee—Odd Numbered Years	
(personal checks acceptable)	[\$ 10.00] \$20.00

(3) The following fees apply to speech-language pathology and *[clinical]* audiology provisional licensees:

(4) The following fees apply to speech-language pathology assistants:

(A) Registration Application Processing Fee	\$25.00
(B) Biennial Registration Renewal Fee—	
Odd Numbered Years	
(personal checks acceptable)	\$20.00
(C) Reinstatement Fee	\$10.00

(/4) (5) All fees are nonrefundable.

(/5) (6) The provisions of this rule are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

AUTHORITY: sections 345.015, 345.022, 345.030, *[345.051], 345.045, [RSMo 1994] and 345.055, RSMo [1997] Supp. 1999*. Original rule filed July 1, 1988, effective Oct. 27, 1988. Amended: Filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 12, 1996, effective Jan. 30, 1997. Amended: Filed Nov. 17, 1997, effective June 30, 1998. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED AMENDMENT

4 CSR 150-4.105 Educational Requirements. The board is proposing to amend the original purpose statement, amend section (1) and add new subsections (1)(A), (1)(B), and (1)(C).

PURPOSE: This amendment deletes the word "clinical" as it precedes the word "audiology" in the original purpose statement; amends the terminology in section (1) with the addition of subsections (A)-(C). This amendment is consistent with amendments to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule details the educational requirements for speech-language pathology [*clinical*] and audiology aides.

(1) To be eligible for registration as an audiology aide or speech-language pathology aide, each applicant must: [*1) be of good moral character and 2) hold a high school diploma or equivalent.*]

- (A) Be at least eighteen years of age;
- (B) Furnish evidence of good moral character;
- (C) Furnish evidence of educational qualifications which shall be at a minimum:
 1. Certification of graduation from an accredited high school or its equivalent; and
 2. Proposed plan for on-the-job training as will be provided by a licensed speech-language pathologist or licensed audiologist (respective of registration requested) specifying employment dates, duties and responsibilities.

AUTHORITY: sections 345.015 and 345.030, RSMo [1986] Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication in this notice in the Missouri Register. No public hearing is scheduled.

Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RULE

4 CSR 150-4.110 Supervision Requirements

PURPOSE: This rule details the supervision requirements for speech-language pathology and audiology aides.

(1) All applications for registration to practice as a speech-language pathology aide must include a statement from a speech-language pathologist, holding current unrestricted licensure to practice in the state of Missouri pursuant to section 345.015(10), RSMo, acknowledging willingness to provide on-the-job training and acceptance of the legal and ethical responsibilities for supervising the aide.

(2) All applications for registration to practice as an audiology aide must include a statement from an audiologist holding current unrestricted licensure to practice in the state of Missouri pursuant to section 345.015(1), RSMo acknowledging willingness to provide on-the-job training and acceptance of the legal and ethical responsibilities for supervising the aide.

(3) The supervising speech-language pathologist and/or audiologist is responsible for all of the aide's activities.

(A) It is the responsibility of the supervising speech-language pathologist or supervising audiologist (respective of aide's registration) to protect the interests of all patients and/or clients at all times during which the aide is practicing and/or interacting with patients and/or clients; this responsibility includes the supervisor's and the aide's compliance with the ethical standards of practice as specified in rule 4 CSR 150-4.080.

(B) The supervising speech-language pathologist or supervising audiologist (respective of aide's registration) retains, at all times, the primary role in determining the competency level of the aide.

(C) When the speech-language pathology aide or audiology aide is involved in diagnostic and/or intervention activities, the aide must be directly supervised. Direct supervision is defined as on-site, in view of the aide and patient/client.

(D) It is the responsibility of the supervising speech-language pathologist or supervising audiologist (respective of aide's registration) to determine the amount of indirect supervision to be provided to the aide based on the following factors:

1. The skill and experience of the aide;
2. The skill and expertise required for the task assigned;
3. The individual needs of the patient and/or client receiving services;
4. The setting in which the delivery of services is/will be performed.

(E) The supervising speech-language pathologist or supervising audiologist (respective of aide's registration) shall ensure that the scope and intensity of training for the aide encompasses all activities assigned to the aide.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RESCISSON

4 CSR 150-4.110 Supervision Requirements. This rule detailed the supervision requirements for speech-language pathology/clinical audiology aides.

PURPOSE: The board is proposing to rescind this rule and propose a new rule that more clearly details the supervision requirements for speech-language pathology and audiology aides.

AUTHORITY: section 345.015, RSMo 1986. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded: Filed July 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the

(F) The supervising speech-language pathologist or supervising audiologist (respective of aide's registration) shall provide continual opportunities to ensure that the aides' practices are current and his/her skills are maintained.

(G) The supervising speech-language pathologist or supervising audiologist (respective of the aide's registration) shall provide the aide with information specifying the aides role(s) and function(s).

(H) The number of aide's supervised by a speech-language pathologist and/or audiologist shall be consistent with the delivery of appropriate quality services.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded and readopted: Filed July 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RESCISSON

4 CSR 150-4.115 Scope of Practice. This rule detailed the scope of practice for speech-language pathology/clinical audiology aides.

PURPOSE: The board is proposing to rescind this rule and propose new language that more clearly details the scope of practice for speech-language pathology and audiology aides.

AUTHORITY: section 345.015, RSMo 1986. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded: Filed July 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RULE

4 CSR 150-4.115 Scope of Practice

PURPOSE: This rule details the scope of practice for speech-language pathology and audiology aides.

(1) The supervising speech-language pathologist shall assign all duties of the speech-language pathology aide.

(2) The supervising audiologist shall assign all duties of the audiology aide.

(3) Speech-language pathology aides may only engage in tasks that are planned, delegated, and supervised by the supervising speech-language pathologist.

(4) Audiology aides may only engage in tasks that are planned, delegated, and supervised by the supervising audiologist.

(5) The tasks performed by a speech-language pathology or audiology aide under direct supervision may include orienting the patients and/or clients to the clinical environment.

(6) The tasks performed by a speech-language pathology or audiology aide under indirect supervision may include, but not be all inclusive of the following:

- (A) Setting up the treatment area;
- (B) Providing checks and service maintenance to equipment;
- (C) Performing clerical duties;
- (D) Transporting patients and/or clients to and from treatment areas;

(E) Constructing and modifying clinical materials as directed and specified by the supervising speech-language pathologist or supervising audiologist.

(7) Aides shall not be allowed to perform the following tasks:

- (A) Interpret observations and/or data;
- (B) Make diagnostic statements;
- (C) Determine case selections;
- (D) Disclose clinical information (data or impressions relative to patient and/or client performance, behavior, or progress) either verbally or in writing to anyone other than the supervising speech-language pathologist or supervising audiologist;
- (E) Compose or present clinical reports, verbally or in writing to anyone other than the supervising speech-language pathologist or supervising audiologist;
- (F) Refer a patient and/or client to other professionals, agencies, or individuals for services;
- (G) Use a title other than speech-language pathology aide or audiology aide pursuant to respective registration issued by the board;
- (H) Sign any patient and/or client documents/documentation;
- (I) Discharge a patient and/or client from services;
- (J) Administer or interpret hearing screenings or diagnostic tests;
- (K) Fit or dispense hearing instruments;
- (L) Make ear impressions;
- (M) Perform any procedure for which the aide is not qualified, or has not been adequately trained, or both;

- (N) Provide counseling to a patient and/or client or the patient's and/or client's family; or
 (O) Write, develop or modify treatment plans.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded and readopted: Filed July 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RESCISSON

4 CSR 150-4.120 Procedural Process for Registration. This rule detailed the registration process for speech-language pathology/clinical audiology aides.

PURPOSE: The board is proposing to rescind this rule and propose a new rule that more clearly details the registration process for speech-language pathology and audiology aides.

AUTHORITY: section 345.015, RSMo 1986. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded: Filed July 25, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 4—Licensing of Speech-Language Pathologists and Audiologists

PROPOSED RULE

4 CSR 150-4.120 Procedural Process for Registration

PURPOSE: This rule details the registration process for speech-language pathology and audiology aides.

(1) Application for registration to practice as a speech-language pathology and/or audiology aide shall be made on forms obtained from the Missouri State Board of Registration for the Healing Arts, P.O. Box 4, Jefferson City, MO 65102.

(2) An application will not be considered as officially submitted unless completely filled out, properly attested and the application fee has been submitted and received by the board. The application fee must be submitted in the form of a cashier's check or money order payable to the State Board of Registration for the Healing Arts, drawn on a United States bank or firm. The following documents are necessary to be filed with the board in order to deem the application complete:

(A) All applicants shall submit a copy of their birth certificate confirming their date of birth;

(B) All applicants shall submit a copy of their high school graduation diploma, or a certificate confirming their equivalency thereof;

(C) All applicants shall provide, on a form provided by the board, a proposed plan of on-the-job training, signed by the supervising licensed speech-language pathologist as specified in section 345.015(10), RSMo; or licensed audiologist as specified in section 345.015(1), RSMo (respective of type of registration requested) which shall specify employment dates, employment title, duties and responsibilities;

(D) All applicants shall provide, on a form provided by the board, a proposed plan for active employment or verification of active employment and supervision by a supervising licensed speech-language pathologist or audiologist (respective of type of registration requested) in a setting in which direct and indirect supervision is provided on a systematic basis; and a statement by the supervising licensed speech-language pathologist or supervising licensed audiologist acknowledging willingness to provide on-the-job training and acceptance of the legal and ethical responsibilities of supervising the applicant applying for registration to practice as an aide;

(E) Verification of licensure, registration and/or certification to practice in other state(s) or territories shall be submitted to the board directly from the issuing agency, documenting their record of the applicant, if applicable; and

(F) All applicants shall present with the application a recent, unmounted, identifiable photograph not larger than three and one-half inches by five inches (3 1/2" x 5") nor smaller than two inches by three inches (2" x 3").

(3) The completed application, including all documents, supporting material(s) and official transcripts required by the board, must be received at least thirty (30) days before the next regularly scheduled commission meeting. Applications completed fewer than thirty (30) days before the next regularly scheduled meeting may be scheduled for the following regularly scheduled meeting.

(4) Following the commission and board's review, the applicant will be informed by letter either that the application has been approved or that it has been rejected. Any rejection letter will outline, with as much specificity as practicable, the reasons for rejection.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Rescinded and readopted: Filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$9,478 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10%

in applicants and estimates the total annual cost will be \$947.80 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

***PRIVATE COST:** The private entity cost for this proposed rule is estimated at \$9,616 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10% in applicants and estimates the total annual cost will be \$961.60 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.*

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - Professional Registration/State Board of Registration for the Healing Arts

Chapter: 4 - Licensing of Speech-Language Pathologists and Audiologists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-4.120 Procedural Process for Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing Arts	Estimated Cost of Compliance for First Year of Implementation of the Rule \$9,478.00
	Estimated Annual Cost of Compliance for the Life of the Rule \$947.80

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEES AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	200	\$652.00
Statute, Rules and Regulation Printing Cost	\$.50	200	\$100.00
License Printing Cost	\$.11	200	\$22.00
Application Mailing	\$1.70	200	\$340.00
Correspondence Mailing	\$.33	200	\$66.00
License Mailing	\$.29	200	\$58.00
Total:			\$1,238.00

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$25,188.00	\$32,925.75	\$15.83	.26	1.5 hours	\$23.40	\$4,680.00
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	10 minutes	\$3.30	\$660.00
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	15 minutes	\$9.15	\$1,830.00
Account Clerk II	\$21,522.00	\$28,133.56	\$13.53	.23	10 minutes	\$2.30	\$460.00
Clerk IV	\$24,684.00	\$32,266.92	\$15.51	.26	3 minutes	\$7.78	\$156.00
Total:							\$7,786.00

The above staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications for registration. The total cost was based on the cost per application multiplied by the estimated 200 applications.

It is estimated that approximately ten (10) applicants out of the total estimated two hundred (200) applicants may be assigned for investigative review. It is further estimated that if an investigative review is assigned an investigator will devote approximately two (2) hours investigating the applicant and/or situation, collecting the necessary documents and preparing an investigative report for the board's review. This would also include approximately thirty (30) minutes of a Clerk Stenographer II to assemble this information for board review, copy the report to the board, log the investigative in the computer system, etc.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator	\$31,344.00	\$40,972.88	\$19.70	.33	2 hours	\$39.40	\$394.00
Clerk Stenographer II	\$19,260.00	\$25,176.67	\$12.10	.20	30 minutes	\$6.00	\$60.00
Total:							\$454.00

The above investigative staff salaries were calculated using the following formula:

Salaries of employees involved in the investigative process were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent investigating the applicant or the situations. The total cost was based on the cost per application multiplied by an estimated ten (10) applicants out of the total estimated two hundred (200) applicants that may be assigned for investigative review.

GRAND TOTAL FOR FIRST YEAR OF IMPLEMENTATION OF THE RULE: \$9,478.00

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration and devoted to the following duties:

Licensure Technician II – 1.5 hours per application

Duties: telephone time devoted to applicants requesting licensure application forms, answering inquiries relative to the documents necessary for licensure, processing the application, corresponding to the applicant acknowledging receipt of the application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations – 10 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the board.

Executive Director – 15 minutes per application

Duties: review applications directed to the board for review and approval. It is estimated that ten (200) out of the estimated two hundred (200) applications estimated to receive per year will require board review.

Account Clerk II – 10 minutes per application

Duties: enter fee as received and prepare a revenue transmittal, post the fee and reconcile the fee on a daily, monthly, and yearly basis

Clerk IV – 3 minutes per application

Duties: enter the fee on the daily fee log and disseminate the fee to the Licensure Supervisor.

- The board anticipates 200 individuals will apply for registration during the first year. The board estimates this registration process will cost the board approximately \$47.39 per application.
- The public entity cost for this proposed amendment is estimated to be \$9,478.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10% in applicants and estimates the total annual cost will be \$947.80 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: Department of Economic Development

Division: Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 4 – Licensing of Speech-Language Pathologists and Audiologists

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-4.120 Procedural Process for Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate cost of compliance
200	Individuals (application)	\$5,000.00
200	Individuals (notary)	\$500.00
200	Individuals (transcript)	\$2,000.00
200	Individuals (verification)	\$2,000.00
200	Individuals (postage)	\$66.00

Estimated Cost of Compliance for the First Year of Implementation of the Rule **\$9,616.00**

Estimated Annual Cost of Compliance for the Life of the Rule **\$961.60**

III. WORKSHEET

Application for Registration @ \$25.00.

Notary @ \$2.50

Copy of high school diploma @ .25

Verification of licensure, registration and/or certification fee @ \$10.00

Birth certificate @ \$10.00

Postage @ \$.33

IV. ASSUMPTIONS

- The board anticipates 200 individuals will apply for registration during the first year. The board estimates this registration process will cost each applicant approximately \$48.08
- The private entity cost for this proposed amendment is estimated to be \$9,616.00 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of 10% in applicants and estimates the total annual cost will be \$961.60 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the
Healing Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED AMENDMENT

4 CSR 150-4.125 Display of Certificate. The board is proposing to amend the original purpose statement and the terminology used in the text of the rule.

PURPOSE: This amendment deletes the word “clinical” as it precedes the word “audiology” and changes “registration certificate” to “certificate of registration” in the original purpose statement; and amends the text of the rule changing the terminology to be consistent with amendments to Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule details the requirements for displaying a speech-language pathology [/clinical] and/or audiology aide certificate of registration.

[A registrant] Speech-language pathology and audiology aides shall display the certificate issued by the State Board of Registration for the Healing Arts in a prominent place in [the primary] each location of practice.

AUTHORITY: sections 345.015, 345.030 and 345.065, RSMo [1986] Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 25, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

**Division 150—State Board of Registration for the
Healing Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED AMENDMENT

4 CSR 150-4.130 Renewal of Certificate of Registration. The board is proposing to amend the original purpose statement and the text of the rule.

PURPOSE: This amendment deletes the word “clinical” as it precedes the word “audiology” and amends the text of the rule to be consistent with the amendments of Chapter 345, RSMo effective with the passage of House Bill 1601 of the 89th General Assembly.

PURPOSE: This rule details the process for renewing a speech-language pathology [/clinical] or audiology aide registration certificate.

Each registered speech-language pathology or [/clinical] audiology aide shall [/annually] biennially pay the nonrefundable fee for renewal of the certificate of registration. The executive director shall not consider a [/license] registration to be renewed until the completed registration renewal form signed by the supervising [/licensed] speech-language pathologist[/clinical] and/or audiologist and the renewal fee have been received by the State Board of Registration for the Healing Arts. *[The registered speech-language pathologist/clinical audiologist shall furnish a signed statement on forms provided by the board regarding the performance of the aide. This must accompany the renewal form.]*

AUTHORITY: sections 345.015, 345.030 and 345.051, RSMo [1986] Supp. 1999. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed July 25, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Healing Arts—Advisory Commission for Speech-Language Pathologists and Audiologists, 3605 Missouri Boulevard, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**

Division 150—State Board of Registration for the

Healing Arts

**Chapter 6—[Licensing] Registration of Athletic
Trainers**

PROPOSED AMENDMENT

4 CSR 150-6.020 Applicants for [Licensure] Registration as Athletic Trainers. The board is proposing to amend the title of this rule and this chapter by changing the term “Licensing” to “Registration”; amend the original purpose statement; add new sections (3), (4) and (5); and renumber the remaining sections accordingly.

PURPOSE: The purpose of this amendment is to change the terminology used throughout the rule to be consistent with the terminology of sections 334.700–334.725, RSMo and specify the documents applicants for registration must submit to the board.

PURPOSE: This rule provides requirements to applicants desiring [permanent licensure] registration in Missouri to practice as athletic trainers.

(3) All applicants for registration shall present, attached to the application, a recent photograph, not larger than three and one-half inches by five inches (3 1/2" x 5").

(4) All applicants shall provide a functional protocol form(s), signed by a physician licensed to practice pursuant to Chapter 334, RSMo. The protocol form shall specify what procedures the athletic trainer may perform or initiate during the physician's absence. If practicing under the direction of more than one (1) physician the applicant shall submit a functional protocol form signed by each physician.

(5) If the applicant is applying for registration as an athletic trainer based upon meeting the National Athletic Trainers Association (NATA) certification qualifications, then the applicant shall provide proof that the NATA certification is current at the time the application is submitted to the board.

/(3)/ **(6) Proof which is acceptable to the board of experience and educational quality equal to that mentioned in section 334.708.1(1), RSMo is set forth in materials which are incorporated by reference and retained at the office of the board. The materials can be summarized in that the results of a role delineation study completed *[in March 1982]* by the National Athletic Trainers' Association (NATA) Board of Certification in conjunction with the Professional Examination Service, New York, New York, serve as a primary basis for development of a list of competencies and is incorporated by reference in this rule. The role delineation study */was* is designed to identify actual job responsibilities and tasks performed by certified athletic trainers in high schools, colleges and professional athletic organizations throughout the United States and was conducted in an attempt to establish a valid base for construction of the national certification examination for athletic trainers. The list of competencies subsequently developed by the NATA Professional Education Committee serves as a guide to the development of educational programs leading to certification as an athletic trainer and is intended to assist both instructional personnel and students in identifying knowledge and skills to be mastered. Thus, educational backgrounds of registered athletic trainers in Missouri should follow these competencies. The competencies identified are categorized according to seven (7) major tasks comprising the role of the certified athletic trainer:**

- (A) Prevention of athletic injuries/illnesses;**
- (B) Evaluation and recognition of athletic injuries/illnesses and medical referral;**
- (C) First aid and emergency care;**
- (D) Rehabilitation and reconditioning;**
- (E) Organization and administration;**
- (F) Counseling and guidance; and**

(G) Education. Although the necessary competencies identified for each major task are not stated as such, they are listed wherever appropriate according to the following commonly accepted method of classifying behavioral objectives:

1. Cognitive domain (knowledge and intellectual skills). Psychomotor domain (manipulative and motor skills) and, affective domain (attitudes and values). The materials will be made available to any interested person, upon written request, at a cost not to exceed the actual cost of reproduction.

/(4)/ **(7) The board shall charge each person applying for *[license]* registration to practice as an athletic trainer an appropriate fee, which will be established by the board. The fee shall be sent with the application and in the form of a bank draft, postal money order or express money order. (Personal checks will not be accepted.)**

AUTHORITY: sections 334.125 and 334.706¹.3(2)¹, RSMo [1986] Supp. 1999 and 334.702, 334.704, 334.708, 334.710 and 334.712, RSMo 1994. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 150—State Board of Registration for the Healing Arts
Chapter 6—Registration of Athletic Trainers

PROPOSED RULE

4 CSR 150-6.025 Examination

PURPOSE: This rule provides specific instructions to applicants regarding examination procedures.

- (1) The executive director will, as soon as practicable, notify applicants of the date, time and place the examination is scheduled to be held.**
- (2) The board shall conduct examination of applicants for registration to practice as an athletic trainer at least once each calendar year provided applicants support such administration.**
- (3) Any applicant detected to be seeking or giving help during the hours of the examination will be dismissed and his/her papers cancelled.**
- (4) To receive a passing score on the examination, the applicant must achieve the passing score recommended by the National Athletic Trainers Association or its successor. Scores from a portion of an examination taken at one (1) test administration may not be averaged with scores from any other portion of the examination taken at another test administration to achieve a passing score.**
- (5) An applicant may retake the examination for registration to practice as an athletic trainer upon payment of an appropriate fee established by the board.**

AUTHORITY: section 334.706, RSMo Supp. 1999. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$25.89 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$152.83 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 - Division of Professional Registration – State Board of Registration for the Healing Arts

Chapter: 6 – Registration of Athletic Trainers

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-6.025 Examination

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Registration for the Healing Arts	\$25.89

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	1	\$3.26
Statute, Rules and Regulation Printing Cost	\$.50	1	\$.50
License Printing Cost	\$.11	1	\$.11
Application Mailing	\$1.70	1	\$1.70
Correspondence Mailing	\$.33	1	\$.33
License Mailing	\$.29	1	\$.29
TOTAL			\$6.19

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician I	\$25,188.00	\$32,925.75	\$15.83	.26	45 minutes	\$11.70	\$11.70
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	15 minutes	\$4.95	\$4.95
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$3.05
					Total:		\$19.70

Staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications for registration. The total cost was based on the cost per application multiplied by the estimated one (1) application.

GRAND TOTAL FOR FIRST YEAR OF IMPLEMENTATION OF THE RULE: \$25.89

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration and devoted to the following duties:

Licensure Technician I - 45 minutes per application

Duties: telephone time devoted to applicants requesting examination application forms, answering inquiries relative to the documents necessary for examination, processing the application, corresponding to the applicant acknowledging receipt of the application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations – 15 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the advisory committee.

Executive Director – 5 minutes per application

Duties: review applications directed to the advisory committee and possibly board for review and approval.

- The board anticipates one (1) individual will apply for the examination annually. The board estimates this application process will cost the board approximately \$25.89 per application.
- The public entity cost for this proposed rule is estimated to be \$25.89 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - Division of Professional Registration-State Board of Registration for the Healing Arts

Chapter: 6 – Registration of Athletic Trainers

Type of Rulemaking: Propose Rule

Rule Number and Name: 4 CSR 150-6.025 Examination

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate Annual Cost of Compliance for the Life of the Rule:
1	Physician Assistant Applicants (licensure application fee)	\$150.00
1	Physician Assistant Applicants (notary)	\$2.50
1	Physician Assistant Applicants (postage)	\$.33

Total Annual Cost for the life of the rule: **\$152.83**

III. WORKSHEET

Licensure Application Fee @ \$150.00

Notary Fee @ \$2.50

Postage @ \$.33

IV. ASSUMPTIONS

1. The board estimates that approximately one (1) applicant will apply for licensure per year. The application fee is set out in 4 CSR 150-6.050.
2. It is not possible to estimate costs that an applicant could incur should the board investigate his/her background, such costs could include legal representation, delay of licensure approval, etc.
4. The private entity cost for this proposed rule is estimated to be \$152.83 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
**Chapter 6—[Licensing] Registration of Athletic
Trainers**

PROPOSED AMENDMENT

4 CSR 150-6.030 Registration by Reciprocity. The board is proposing to amend section (2), add new sections (4)–(7), amend the previous section (4) and renumber the remaining sections accordingly.

PURPOSE: This amendment specifies all requirements for athletic trainers seeking registration by reciprocity; section (2) requires licensure, certification and/or registration verification from other states; section (3) requires submission of a Functional Protocol Form identifying the physician(s) designated and agreeing to be the Athletic Trainer's supervisor; section (6) requires photograph submission on the application form; section (7) specifies where applications shall be submitted.

(2) *[The]* All applicants *[is]* are required to make application upon *[a]* forms prescribed by the board.

(4) All applicants shall furnish, on a form prescribed by the board, verification of registration/licensure from every state, territory or country in which the applicant has ever been registered/licensed to practice as an athletic trainer.

(5) All applicants shall provide a functional protocol form(s), signed by a physician licensed to practice pursuant to Chapter 334, RSMo. The protocol form shall specify what procedures the athletic trainer may perform or initiate during the physician's absence. If practicing under the direction of more than one (1) physician the applicant shall submit a functional protocol form signed by each physician.

(6) All applicants for reciprocity shall present, attached to the application, a recent photograph, not larger than three and one-half inches by five inches (3 1/2" × 5").

(7) All applications shall be sent to the executive director of the State Board of Registration for the Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102.

[(4)](8) The board shall charge *[to]* an appropriate fee which will be established by the board to each person applying for registration by reciprocity as an athletic trainer. The fee shall be sent with the application and in the form of a bank draft, postal money order or express money order. (Personal checks will not be accepted.)

AUTHORITY: sections 334.125 and 334.706^[(3)(2)], RSMo [1986] Supp. 1999 and 334.702, 334.704, 334.708, 334.710 and 334.712, RSMo 1994. Emergency rule filed April 5, 1985, effective April 15, 1985, expired Aug. 13, 1985. Original rule filed May 3, 1985, effective Aug. 15, 1985. Amended: Filed April 4, 1988, effective Aug. 18, 1988. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri State Board of Healing Arts—Athletic Trainers Advisory

Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 6—Registration of Athletic Trainers

PROPOSED RULE

4 CSR 150-6.060 Renewal of Registration

PURPOSE: This rule provides information to athletic trainers regarding annual renewal of registration.

(1) A registration shall be renewed on or before the expiration of the registration by submitting the signed renewal notice, protocol form(s) and fee to the board. The registration fee shall be the appropriate fee established by the board.

(2) The board shall mail an application for renewal to each person registered in this state at the last known mailing address. The failure to mail the application or the failure to receive it does not, however, relieve any person of the duty to renew and to pay the fee required nor provide exemption from the penalties provided for failure to renew.

(3) All registrants shall renew with the board on the application form furnished by the board before January 30 of the year in which such registration is due for renewal.

(4) Renewal application forms postmarked by the post office January 31 or after will be considered delinquent, however, should January 30 fall on a Saturday, Sunday or legal holiday, renewal forms postmarked by the post office on the next business day will not be considered delinquent.

(5) Any person practicing as an athletic trainer without a current registration shall be subject to discipline under section 334.715, RSMo.

(6) A registrant not actively engaged in the practice of athletic training, but who wishes to renew his/her registration, must submit a statement advising the reason(s) why a protocol form is not completed.

AUTHORITY: sections 334.125 and 334.706, RSMo Supp. 1999 and 334.710, RSMo 1994. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$518.70 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of thirty-one (31) licensees per renewal period and estimates the annual cost will be \$1,037.40 plus a continuous annual increase of \$518.70 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated to be \$1,560.23 for the first year of implementation of the rule based upon the board's estimate that thirty-one licensees will renew their registration during the first renewal period. The board anticipates an annual growth rate of thirty-one licensees per

year. Therefore, the board estimates that the private entity annual cost to comply with this rule will be \$3,120.46 plus a continuous annual increase of \$1,560.23 for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 – Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 6 – Registration of Athletic Trainers

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-6.060 Renewal of Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing Arts	Estimated Cost of Compliance for First Year of Implementation of the Rule
	Estimated Annual Cost of Compliance for the Life of the Rule

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEES AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	31	\$101.06
Statute, Rules and Regulation Printing Cost	\$.50	31	\$15.50
License Printing Cost	\$.11	31	\$3.41
Application Mailing	\$1.70	31	\$52.70
Correspondence Mailing	\$.33	31	\$10.23
License Mailing	\$.29	31	\$8.99
Total:			\$191.89

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$25,188.00	\$32,925.75	\$15.83	.26	15 minutes	\$1.30	\$40.03
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	5 minutes	\$1.65	\$51.15
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$94.55
Account Clerk II	\$21,522.00	\$28,133.56	\$13.53	.23	10 minutes	\$2.30	\$71.30
Clerk IV	\$24,684.00	\$32,266.92	\$15.51	.26	3 minutes	\$.78	\$24.18
Total:							\$281.21

The above staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications for registration renewal. The total cost was based on the cost per application multiplied by the estimated thirty-one (31) applications for registration renewal.

It is estimated that approximately one (1) licensee out of the total estimated thirty-one (31) licensees for renewal may be assigned for investigative review. It is further estimated that if an investigative review is assigned an investigator will devote

approximately two (2) hours investigating the applicant and/or situation, collecting the necessary documents and preparing an investigative report for the board's review. This would also include approximately thirty (30) minutes of a Clerk Stenographer II to assemble this information for board review, copy the report to the board, log the investigative in the computer system, etc.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator	\$31,344.00	\$40,972.88	\$19.70	.33	2 hours	\$39.60	\$39.60
Clerk Stenographer II	\$19,260.00	\$25,176.67	\$12.10	.20	30 minutes	\$6.00	\$6.00
Total:							\$45.60

The above investigative staff salaries were calculated using the following formula:

Salaries of employees involved in the investigative process were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent investigating the applicant or the situations. The total cost was based on the cost per renewal of registration multiplied by an estimated one (1) licensee out of the total estimated thirty-one (31) licensees that may be assigned for investigative review.

ANNUAL FOR THE LIFE OF THE RULE: \$518.70

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration renewal and devoted to the following duties:

Licensure Technician II – 15 minutes per application

Duties: telephone time devoted to applicants requesting renewal forms, answering inquiries relative to the documents necessary for renewal, processing the renewal application, corresponding to the applicant acknowledging receipt of the renewal application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations – 5 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the board.

Executive Director – 5 minutes per application

Duties: review renewal applications directed to the board for review and approval. It is estimated that one (1) out of the estimated thirty-one (31) renewal applications estimated to receive per year will require board review.

Account Clerk II – 10 minutes per application

Duties: enter fee as received and prepare a revenue transmittal, post the fee and reconcile the fee on a daily, monthly, and yearly basis

Clerk IV – 3 minutes per application

Duties: enter the fee on the daily fee log and disseminate the fee to the Licensure Supervisor.

- The board anticipates thirty-one (31) individuals will apply for renewal annually. The board estimates this renewal process will cost the board approximately \$16.72 per application.
- The public entity cost for this proposed rule is estimated at \$518.70 for the first year of implementation of the rule. Thereafter, the board is anticipating an annual growth rate of thirty-one (31) licensees per renewal period and estimates the annual cost will be \$1,057.40 plus a continuous annual increase of \$518.70 for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Department of Economic Development

Division: Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 6 – Registration of Athletic Trainers

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-6.060 Renewal of Registration

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the annualas to the cost of compliance with the rule by the affected entities:
31	Individuals (application)	\$1,550.00
31	Individuals (postage)	\$10.23
	Estimated Cost of Compliance for First Year of Implementation of the Rule Estimated Annual Cost of Compliance for the Life of the Rule	\$1,560.23 \$3,120.46 annually plus a continuous annual increase of \$1,560.23

III. WORKSHEET

Annual Registration Renewal Fee @ \$50.00
Postage @ \$.33

IV. ASSUMPTIONS

- The board anticipates thirty-one (31) individuals will apply for renewal of registration during the first renewal period. The board estimates this registration process will cost each applicant approximately \$50.33.
- The private entity cost for this proposed rule is estimated to be \$1,560.23 for the first year of implementation of the rule based upon the board's estimate that thirty-one (31) licensees will renew their registration during the first renewal period. The board anticipates an annual growth rate of thirty-one (31) licensees per year. Therefore, the board estimates that the private entity annual cost to comply with this rule will be \$3,120.46 plus an continuous annual increase of \$1,560.23 for the life of the rule. It is anticipated that the total annual cost will recur for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 6—Registration of Athletic Trainers

PROPOSED RULE

4 CSR 150-6.070 Name, Address and/or Physician Supervision Changes

PURPOSE: This rule outlines the requirements and procedures athletic trainers must adhere to in notifying the board of name and/or address changes or a change of team and/or consulting physician supervisor.

(1) All individuals practicing as a registered athletic trainer under registration issued by the board shall ensure that his/her current registration certificate bears the current legal name of that individual.

(2) A registrant whose name has changed since registration was issued must submit a copy of the legal document verifying the name change to the board within fifteen (15) days of such change.

(3) Registrants must submit written notification of any address change, home or business, to the board within fifteen (15) days of such change.

(4) A registrant who has a change in their team physician and/or consulting physician shall submit to the board a new functional protocol form within fifteen (15) days of such change.

AUTHORITY: section 334.706, RSMo Supp. 1999. Original rule filed July 25, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Board of Healing Arts—Athletic Trainers Advisory Committee, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.100 Applicants for [Registration] Licensure. The board is proposing to amend the title, the original purpose statement, amend sections (10), (13), (14) and (15) and delete the form that immediately follows this rule in the Code of State Regulations.

PURPOSE: The board proposes amendments to this rule changing the term “registration” to “licensure” as applicable to physician assistants; and other grammatically necessary changes thereof, consistent with legislative amendments to Chapter 334, RSMo as enacted with the passage of House Bill 1601 in 1998.

PURPOSE: This rule provides information regarding requirements to applicants desiring [registration] licensure in Missouri for practice as a physician assistant.

(10) Applicants shall submit the [registration] licensure application fee in the form of a cashier's check or money order drawn on or through a United States bank made payable to the [Missouri Board of Healing Arts] State Board of Registration for the Healing Arts. Personal checks will not be accepted.

(13) When an applicant has filed an application and an appropriate fee, to be established by the board in conjunction with the director of the Division of Professional Registration for [registration] licensure and the application is denied by the board or subsequently withdrawn by the applicant, that fee will be retained by the board as a service charge.

(14) The board may require the applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding [registration] licensure.

(15) An applicant may withdraw an application for [registration] licensure anytime prior to the board's vote on the applicant's candidacy for [registration] licensure.

AUTHORITY: sections 334.125, 334.735, [RSMo Supp. 1996 and] 334.738, [and] 334.742 and 334.743, RSMo [1994] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.120 [Registration] Licensure Renewal. The board proposes to amend the title and Purpose of the rule and sections (1)–(3).

PURPOSE: The amendments proposed to sections (1), (2) and (3) of this rule change the term “registered” to “licensed” as applicable to physician assistants; and other grammatically necessary changes as a result thereof. These changes are proposed consistent with legislative amendments to Chapter 334, RSMo enacted with the passage of House Bill 1601 in 1998.

PURPOSE: This rule provides information to physician assistants [registered] licensed in Missouri regarding renewal of [registration] licensure.

(1) The *[registration] licensure* renewal fee shall be an appropriate fee established by the board. Each applicant shall *[register]* make application for licensure renewal with the board on *[a]* application forms furnished by the board, before January 31 of the year the *[registration]* license is due for renewal.

(2) The failure to mail the application form or the failure to receive the licensure registration renewal application form does not relieve any *[registrant]* licensee of the duty to renew the *[registration]* license and pay the renewal fee, nor shall it exempt any *[registrant]* licensee from the penalties provided in sections 334.735 to 334.748, RSMo for failure to renew.

(3) Licensure *[R]renewal* forms postmarked by the post office February 1 or after will be considered delinquent, however, should January 31 fall on a Saturday, Sunday or legal holiday, renewal forms postmarked by the post office on the next business day will not be considered delinquent.

AUTHORITY: sections 334.125, 334.735, *[RSMo Supp. 1997 and] 334.738 and 334.743, RSMo [Supp. 1998] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed Sept. 10, 1998, effective March 30, 1999. Amended: Filed July 25, 2000.*

PUBLIC COST: The proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: The proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.122 Supervision, Name and Address Change Requirements, Retirement Affidavits. The board proposes amendments to the Purpose and sections (1), (2), (3) and (4) of this rule.

PURPOSE: The amendments proposed to sections (1), (2), (3) and (4) change the term “registered” to “licensed” as applicable to physician assistants, and other grammatically necessary changes, consistent with legislative amendments to Chapter 334, RSMo enacted with the passage of House Bill 1601 in 1998.

PURPOSE: This rule provides the requirements and time frames *[registrants]* licensees must follow in reporting a change in supervision, name and/or address change, or to document retirement from practice.

(1) *[Registrants]* Licensed physician assistants who have a change of physician supervision, for any reason, must submit writ-

ten notification and the required form to the board within fifteen (15) days of such occurrence.

(2) *[Registrants]* Licensed physician assistants must submit written notification of any address change to the board within fifteen (15) days of such occurrence.

(3) *[Registrants]* Licensed physician assistants whose names *[has]* have changed since *[registration]* licensure was issued must submit a copy of the legal document verifying the name change to the board, within fifteen (15) days of such occurrence.

(4) *[Registrants]* Licensed physician assistants who retire from practice as a physician assistant shall file an affidavit, on a form furnished by the board, stating the date of retirement. The *[registrant]* licensee shall submit any other documentation requested by the board to verify retirement. *[Registrants]* Licensees who reengage in practice as a physician assistant after submitting an affidavit of retirement shall reapply for *[registration]* licensure as required in sections 334.735 and *[334.748] 334.738*, RSMo and pursuant to the provisions of rule 4 CSR 150-7.125.

AUTHORITY: sections 334.125, 334.735, *[RSMo Supp. 1996 and] 334.738 and 334.743, RSMo [1994] Supp. 1999. Original rule filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.125 Late Registration and Reinstatement Applicants. The board is proposing to amend the Purpose and sections (1), (5), (9), (10), and (11).

PURPOSE: The board proposes amendments to the original purpose statement as well as to sections (1), (5) (9), (10), and (II) of this rule changing the term “registered” to “licensed” and other grammatically necessary changes consistent with the legislative amendments to Chapter 334, RSMo as enacted with the passage of House Bill 1601 in 1998.

PURPOSE: This rule provides information to physician assistants *[registered]* licensed in Missouri regarding penalty of not renewing.

(1) Whenever a *[registered]* licensed physician assistant fails to renew his/her *[registration]* license before the *[registration]* license expiration date, his/her application for renewal of *[regis-*

tration/ license shall be denied unless it is accompanied by all fees required by statute and rule, together with a statement of all addresses where s/he has practiced and resided since the expiration of his/her last period of *[registration]* licensure, the nature of his/her practice since expiration and whether, since expiration, any registration or license, or right of his/her to practice in any other state or country has been suspended or revoked; whether s/he has been the subject of any disciplinary action by any licensing agency of any state or country or by any professional organization or society; whether s/he has been charged or convicted of any crime in any court of any state or country; whether s/he has been addicted to a drug habit or has been guilty of any unprofessional or dishonorable conduct as defined by section 334.100, RSMo; and all details pertaining to all those occurrences. This statement shall be completed upon forms provided by the board and shall be made by the applicant under oath.

(5) All applicants shall submit the renewal fee along with the delinquent fee established by the board. This fee shall be submitted in the form of a cashier's check or money order drawn on a United States bank made payable to the ***[Missouri Board of Healing Arts] State Board of Registration for the Healing Arts***. Personal checks will not be accepted.

(9) Applicants whose *[registration]* license has been revoked, suspended or inactive for more than two (2) years shall submit any other documentation requested by the board necessary to verify that the *[registrant]* licensee is competent to practice and is knowledgeable of current medical techniques, procedures and treatments, as evidenced by continuing education hours, reexamination, or other applicable documentation acceptable and approved by the board pursuant to the provisions of section 334.100.6, RSMo.

(10) The board may require an applicant to make a personal appearance before the board and/or commission prior to rendering a final decision regarding *[registration]* license renewal/reinstatement.

(11) An applicant may withdraw his/her application for *[registration]* license anytime prior to the board's vote on the applicant's candidacy for *[registration]* license renewal/reinstatement.

AUTHORITY: sections 334.125, 334.735, *[RSMo Supp. 1996 and] 334.738 and 334.743, RSMo [1994] Supp. 1999. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, Jefferson City, MO 65109. To be considered, comments must be received within thirty days after publication of this notice in the ***Missouri Register***. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.140 Grounds for Discipline, Procedures. The board is proposing to amend sections (1)–(6).

PURPOSE: *The board proposes amendments to sections (1), (2)(D)14., (2)(D)17., (2)(D)19., (2)(H), (2)(J), (2)(L), (2)(P), (2)(W)2., (3), (4), (5), (6) of this rule changing the term "registered" to "licensed" and other grammatically necessary changes consistent with the legislative amendments to Chapter 334, RSMo as enacted with the passage of House Bill 1601 in 1998.*

(1) The board may refuse to issue or renew any physician assistant *[registration]* license required pursuant to this chapter for one (1) or any combination of causes stated in section (2) of this rule. The board shall notify the physician assistant in writing of the reasons for the refusal and shall advise the physician assistant of their right to file a complaint with the Administrative Hearing Commission as provided by Chapter 621, RSMo.

(2) The board may cause a complaint to be filed with the Administrative Hearing Commission as provided by Chapter 621, RSMo, against any holder of any certificate of registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered a certificate of registration or authority, permit or license for any one (1) or any combination of the following causes:

(D) Misconduct, fraud, misrepresentation, dishonesty, unethical conduct or unprofessional conduct in the performance of the functions or duties of any profession licensed or regulated by this chapter, including, but not limited to the following:

1. Obtaining or attempting to obtain any fee, charge, tuition or other compensation by fraud, deception or misrepresentation; willfully and continually overcharging or over-treating patients; or charging for services which did not occur unless the services were contracted for in advance, or for services which were not rendered or documented in the patient's records;

2. Attempting, directly or indirectly, by way of intimidation, coercion or deception, to obtain or retain a patient or discourage the use of a second opinion or consultation;

3. Willfully and continually performing inappropriate or unnecessary treatment, diagnostic tests or medical or surgical services;

4. Delegating professional responsibilities to a person who is not qualified by training, skill, competency, age, experience, licensure, registration or certification to perform them;

5. Misrepresenting that any disease, ailment or infirmity can be cured by a method, procedure, treatment, medicine or device;

6. Performing or prescribing medical services which have been declared by board rule to be of no medical or osteopathic value;

7. Final disciplinary action by any professional physician assistant association or society or licensed hospital or medical staff of such hospital in this or any other state or territory, whether agreed to voluntarily or not, and including, but not limited to, any removal, suspension, limitation, or restriction of his/her registration, license or staff or hospital privileges, failure to renew such

privileges of registration or license for cause, or other final disciplinary action, if the action was in any way related to unprofessional conduct, professional incompetence, malpractice or any other violation of any provision of this chapter;

8. Signing a blank prescription form; or dispensing, prescribing, administering or otherwise distributing any drug, controlled substance or other treatment without sufficient examination, or for other than medically accepted therapeutic or experimental or investigative purposes duly authorized by a state or federal agency, or not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease, except as authorized in section 334.104, RSMo;

9. Exercising influence within a physician assistant-patient relationship for purposes of engaging a patient in sexual activity;

10. Terminating the medical care of a patient without adequate notice or without making other arrangements for the continued care of the patient;

11. Failing to furnish details of a patient's medical records to other treating physician assistants, physicians or hospitals upon proper request; or failing to comply with any other law relating to medical records;

12. Failure of any physician assistant or applicant, other than the physician assistant subject of the investigation, to cooperate with the board during any investigation;

13. Failure to comply with any subpoena or subpoena *duces tecum* from the board or an order of the board;

14. Failure to timely pay *[registration]* license renewal fees specified in this chapter;

15. Violating a probation agreement with this board or any other licensing or regulatory agency;

16. Failing to inform the board of the physician assistant's current residence and business address;

17. Advertising by an applicant or *[registered]* licensed physician assistant which is false or misleading, or which violates any rule of the board, or which claims without substantiation the positive cure of any disease, or professional superiority to or greater skill than that possessed by any other physician assistant. An applicant or *[registered]* licensed physician assistant shall also be in violation of this provision if s/he has a financial interest in any organization, corporation or association which issues or conducts such advertising;

18. Violation of one (1) or any combination of the standards listed in the *American Academy of Physician Assistants' Code of Ethics*. The board adopts and incorporates by reference the *American Academy of Physician Assistants' Code of Ethics*. A copy of the *American Academy of Physician Assistants' Code of Ethics* is retained at the office of the board and is available to any interested person, upon written request, at a cost not to exceed the actual cost of reproduction; and

19. Loss of national certification, for any reason, shall result in the termination of *[registration]* licensure;

(H) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for *[registration]* licensure or other right to practice any profession regulated by this chapter by another state, territory, federal agency or country, whether or not voluntarily agreed to by the physician assistant or applicant, including, but not limited to, the denial of licensure or registration, surrender of the license or registration, allowing physician assistant license or registration to expire or lapse, or discontinuing or limiting the practice of the physician assistant while subject to an investigation or while actually under investigation by any licensing authority, medical facility, branch of the armed forces of the United States of America, insurance company, court, agency of the state or federal government, or employer;

(J) Assisting or enabling any person to practice or offer to practice any profession licensed or regulated by this chapter who is not

[registered] licensed and currently eligible to practice under this chapter; or knowingly performing any act which in any way aids, assists, procures, advises, or encourages any person to practice who is not *[registered]* licensed and currently eligible to practice under this chapter;

(L) Failure to display a valid *[certificate or registration]* license as required by this chapter;

(P) Using, or permitting the use of, his/her name under the designation of "physician assistant," "*[registered]* licensed physician assistant," "physician assistant-certified," or any similar designation with reference to the commercial exploitation or product endorsement of any goods, wares or merchandise;

(W) Being unable to practice as a physician assistant or with a specialty with reasonable skill and safety to patients by reasons of medical or osteopathic incompetency, or because of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or as a result of any mental or physical condition.

1. In enforcing this paragraph the board shall, after a hearing by the board, upon a finding of probable cause, require a physician assistant to submit to a reexamination for the purpose of establishing his/her competency to practice as a physician assistant or with a specialty conducted in accordance with rules adopted for this purpose by the board, including rules to allow the examination of the pattern and practice of said physician assistant's professional conduct, or to submit to a mental or physical examination or combination thereof by at least three (3) physician assistants, one (1) selected by the physician assistant compelled to take the examination, one (1) selected by the board, and one (1) selected by the two (2) physician assistants so selected who are graduates of a professional school approved and accredited by the Commission for the Accreditation of Allied Health Education Programs and has active certification by the National Commission on Certification of Physician Assistants.

2. For the purpose of this paragraph, every physician assistant *[registered]* licensed under this chapter is deemed to have consented to submit to a mental or physical examination when directed in writing by the board and further to have waived all objections to the admissibility of the examining physician's testimony or examination reports on the ground that same is privileged.

3. In addition to ordering a physical or mental examination to determine competency, the board may, notwithstanding any other law limiting access to medical or other health data, obtain medical data and health records relating to a physician assistant or applicant without the physician assistant's or applicant's consent.

4. Written notice of the reexamination or the physical or mental examination shall be sent to the physician assistant, by registered mail, addressed to the physician assistant at his/her last known address. Failure of a physician assistant to designate an examining physician to the board or failure to submit to the examination when directed shall constitute an admission of the allegations against him/her, in which case the board may enter a final order without the presentation of evidence, unless the failure was due to circumstances beyond his/her control. A physician assistant's/whose right to practice has been affected under this paragraph shall, at reasonable intervals, be afforded an opportunity to demonstrate that s/he can resume competent practice as a physician assistant with reasonable skill and safety to patients.

5. In any proceeding under this paragraph neither the record of proceedings nor the orders entered by the board shall be used against a physician assistant in any other proceeding. Proceedings under this paragraph shall be conducted by the board without the filing of a complaint with the *[a]Administrative [h]Hearing [c]Commission*.

6. When the board finds any person unqualified because of any of the grounds set forth in this paragraph, it may enter an order imposing one (1) or more of the disciplinary measures set forth in section (4) of this rule.

(3) After the filing of such complaint, before the Administrative Hearing Commission, the proceedings shall be conducted in accordance with the provisions of Chapter 621, RSMo. Upon a finding by the Administrative Hearing Commission that the grounds, provided in section (2) of this rule, for disciplinary action are met, the board may, singly or in combination, warn, censure or place the person named in the *[compliant]* complaint on probation on such terms and conditions as the board deems appropriate for a period not to exceed ten (10) years, or may suspend *[registration]*, license, certificate or permit for a period not to exceed ten (10) years, or restrict or limit his/her *[registration]* license, certificate or permit for an indefinite period of time, or revoke his/her *[registration]* license, certificate or permit, or administer a public or private reprimand, or deny his/her application for *[registration]* licensure, or permanently withhold issuance of *[registration]* licensure or require the physician assistant to submit to the care, counseling or treatment of physicians designated by the board at the expense of the individual to be examined, or require the physician assistant to attend such continuing educational courses and pass such examinations as the board may direct.

(4) In any order of revocation, the board may provide that the person may not apply for reinstatement of *[registration]* licensure for a period of time ranging from two to seven (2-7) years following the date of the order of revocation. All stay orders shall toll this time period.

(5) Before restoring to good standing a *[registration]* license, certificate or permit issued under this chapter which has been in a revoked, suspended or inactive state for any cause for more than two (2) years, the board may require the applicant to attend such continuing education courses and pass such examinations as the board may direct.

(6) In any investigation, hearing or other proceeding to determine a *[registered]* licensed physician assistant's or applicant's fitness to practice, any record relating to any patient of the *[registered]* licensed physician assistant or applicant shall be discoverable by the board and admissible into evidence, regardless of any statutory or common law privilege which such *[registrant]* licensee, applicant, record custodian or patient might otherwise invoke. In addition, no such *[registered]* licensed physician assistant, applicant, or record custodian may withhold records or testimony bearing upon a *[registrant's]* licensee's or applicant's fitness to practice on the ground of privilege between such physician assistant *[registrant]* licensee, applicant or record custodian and a patient.

AUTHORITY: sections 334.100, 334.125, 334.735, *[RSMo Supp. 1996]* 334.736, *[and]* 334.741 and 334.743, RSMo *[1994] Supp. 1999*. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed Jan. 3, 1997, effective July 30, 1997. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, Tina Steinman, Executive Director, P.O. Box 4, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of

this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 7—Physician Assistants

PROPOSED AMENDMENT

4 CSR 150-7.200 Fees. The board proposes amendments to subsections (1)(A), (1)(E) and (1)(F).

PURPOSE: The board proposes amendments to (1)(A), (E) and (F) changing the term "Registration" to "Licensure" consistent with legislative amendments to Chapter 334, RSMo enacted with the passage of House Bill 1601 in 1998.

(1) The following fees are established by the Missouri State Board of Registration for the Healing Arts in conjunction with the director of the Division of Professional Registration:

(A) <i>[Registration]</i> Licensure Application Fee	\$195.00
(E) Temporary <i>[Registration]</i> Licensure Fee	\$ 50.00
(F) Temporary <i>[Registration]</i> Licensure Renewal Fee	\$ 50.00

AUTHORITY: sections 334.125, 334.735, 334.736, *[RSMo Supp. 1995 and]* 334.738 *and* 334.743, RSMo *[1994] Supp. 1999*. Emergency rule filed Sept. 15, 1992, effective Sept. 25, 1992, expired Jan. 22, 1993. Original rule filed April 2, 1992, effective Dec. 3, 1992. Amended: Filed April 16, 1996, effective Nov. 30, 1996. Amended: Filed July 25, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 150—State Board of Registration for the Healing Arts

Chapter 7—Physician Assistants

PROPOSED RULE

4 CSR 150-7.300 Applicants for Temporary Licensure

PURPOSE: This rule provides the requirements to apply for physician assistant temporary licensure.

(1) Applicants for temporary licensure are required to make application on forms prepared by the board.

(2) No application will be considered unless fully and completely made out on the specified forms and properly attested.

(3) Applications shall be sent to the State Board of Registration for the Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102.

(4) The fee for temporary licensure shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a cashier's check or money order drawn on a United States bank or firm; payable to the State Board of Registration for the Healing Arts. Personal and/or corporate checks will not be accepted. No application will be processed until the licensure fee is received.

(5) All applicants shall attach to the application a recent photograph not larger than three and one-half inches by five inches (3" x 5").

(6) All applicants are required to submit satisfactory evidence of completion of a physician assistant program accredited by the Committee on Allied Health, Education and Accreditation of the American Medical Association, or its successor. Applicants shall submit official transcripts from their school of graduation confirming the degree awarded and date of degree award or a copy of their diploma.

(7) All applicants are required to submit a letter of reference from the director of the physician assistant program from which the applicant graduated as proof of the applicant's moral character.

(8) All applicants are required to submit verification of licensure, registration or certification from every state or territory in which the applicant is or has ever been licensed, registered or certified to practice as a physician assistant; and all other professional licenses, registrations, or certifications issued to the applicant regardless of whether or not such license, registration or certification is current.

(9) All applicants shall submit a complete curriculum vitae. This document must include the names and addresses of all previous employers, supervisors and job titles, from the date of high school graduation to the date of licensure application.

(10) All applicants shall furnish, on forms provided by the board, verification of physician supervision.

(11) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's admission letter for the certification examination; such letter shall specify the date the applicant is scheduled to take the certification examination.

(12) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's certification examination results directly to the board.

(13) The temporary license shall be valid until the examination results are received by the board, not to exceed three weeks following the mailing of the results by the National Commission on Certification of Physician Assistants.

(14) The temporary license shall automatically terminate if the temporary licensee fails the examination or does not sit for the examination as scheduled. The temporary licensee may apply for temporary licensure renewal pursuant to rule 4 CSR 150-7.310.

(15) Temporary licensees may be issued permanent licensure upon successful passage of the National Commission on Certification of Physician Assistants examination as determined by the National Commission on Certification of Physician Assistants; submission/completion of all the requirements specified in rule 4 CSR

150-7.100, an updated activities statement, the application form and application fee.

(16) When an applicant has filed his/her application and the appropriate fee for temporary licensure, and the applicant is denied by the board pursuant to the provisions of section 334.100, RSMo and/or rule 4 CSR 150-7.140, or is subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of rule 4 CSR 150-7.200.

(17) The board may require the applicant for temporary licensure to make a personal appearance before the advisory commission and/or board before a final decision regarding licensure is rendered.

(18) An applicant may withdraw his/her application for temporary licensure any time prior to the board's vote on his/her candidacy for licensure.

AUTHORITY: sections 334.100, 334.125, 334.735, 334.736, 334.738, 334.742, 334.743, 334.745 and 334.749, RSMo Supp. 1999. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated at \$336.49 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$706.79 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. RULE NUMBER

Title: 4 – Department of Economic Development

Division: 150 - Division of Professional Registration – State Board of Registration for the Healing Arts

Chapter: 7 – Physician Assistants

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-7.300 Application for Temporary Licensure

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Cost of Compliance
State Board of Registration for the Healing Arts	\$336.49

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEE AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	13	\$42.38
Statute, Rules and Regulation Printing Cost	\$.50	13	\$6.50
License Printing Cost	\$.11	13	\$1.43
Application Mailing	\$1.70	13	\$22.10
Correspondence Mailing	\$.33	13	\$4.29
License Mailing	\$.29	13	\$3.77
TOTAL			\$80.39

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician I	\$25,188.00	\$32,925.75	\$15.83	.26	45 minutes	\$11.70	\$152.10
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	15 minutes	\$4.95	\$64.35
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$39.65
Total:							\$256.10

Staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications for registration. The total cost was based on the cost per application multiplied by the estimated thirteen (13) applications.

GRAND TOTAL FOR FIRST YEAR OF IMPLEMENTATION OF THE RULE: \$336.49

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration and devoted to the following duties:

Licensure Technician I – 45 minutes per application

Duties: telephone time devoted to applicants requesting licensure application forms, answering inquiries relative to the documents necessary for licensure, processing the application, corresponding to the applicant acknowledging receipt of the application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations ~ 15 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the advisory committee.

Executive Director ~ 5 minutes per application

Duties: review applications directed to the advisory committee and possibly board for review and approval.

- The board anticipates thirteen (13) individuals will apply for registration annually. The board estimates this application process will cost the board approximately \$25.89 per application.
- The public entity cost for this proposed amendment is estimated to be \$336.49 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

FISCAL NOTE
PRIVATE ENTITY COST

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 - Division of Professional Registration-State Board of Registration for the Healing Arts

Chapter: 7 – Physician Assistants

Type of Rulemaking: Propose Rule

Rule Number and Name: 4 CSR 150-7.300 Applicants for Temporary Licensure

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate Annual Cost of Compliance for the Life of the Rule:
13	Physician Assistant Applicants (temporary licensure application)	\$650.00
2	Physician Assistant Applicants (state verification of licensure)	\$20.00
13	Physician Assistant Applicants (notary)	\$32.50
13	Physician Assistant Applicants (postage)	\$4.29

Total Annual Cost for the life of the rule: **\$706.79**

III. WORKSHEET

Temporary Licensure Application @ \$50.00
 State Verification of Licensure Fee @ \$10.00
 Notary Fee @ \$2.50
 Postage @ \$.33

IV. ASSUMPTIONS

1. The board estimates that approximately 13 physician assistant new graduates will apply for temporary licensure per year. The application fee is set out in 4 CSR 150-7.200.
2. The board estimates \$10.00 for state licensure verification. This cost figure was based on a comparison of costs per state which indicated that the vast majority of states require a \$10.00 verification fee. The board assumes only 1% of the total estimated applicants applying for temporary licensure will be or have been licensed to practice in another state.

3. It is not possible to estimate costs that an applicant could incur should the board investigate his/her background, such costs could include legal representation, delay of licensure approval, etc.
4. The private entity cost for this proposed amendment is estimated to be \$706.79 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
**Division 150—State Board of Registration for the
Healing Arts**
Chapter 7—Physician Assistants

PROPOSED RULE

4 CSR 150-7.310 Applicants for Temporary Licensure Renewal

PURPOSE: This rule provides the requirements to apply for physician assistant temporary licensure renewal.

(1) Physician assistant temporary licensees who fail the National Commission on Certification of Physician Assistant Examination on their first sitting or who do not take the examination as scheduled may apply for temporary licensure renewal one (1) time. Temporary licensure renewal will be determined at the discretion of the board, on an individual basis.

(2) Applicants for temporary licensure renewal are required to make application on forms prepared by the board.

(3) No application will be considered unless fully and completely made out on the specified forms and properly attested.

(4) Applications shall be sent to the State Board of Registration for the Healing Arts, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102.

(5) The fee for temporary licensure renewal shall be an appropriate fee, to be established by the board. The fee shall be sent in the form of a cashier's check or money order drawn on a United States bank and/or firm, payable to the State Board of Registration for the Healing Arts. Personal and/or corporate checks will not be accepted. No application will be processed until the temporary licensure renewal fee is received.

(6) All applicants shall furnish an updated curriculum vitae detailing activities and employment since issuance of original temporary license.

(7) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's admission letter for the certification examination; such letter shall specify the date the applicant is scheduled to take the certification examination.

(8) Applicants applying for temporary licensure renewal due to failure of the certification examination, as determined by the National Commission on Certification of Physician Assistants, are required to inform their supervising physician, in writing, of the examination results. A copy of this notification must be submitted to the board with the licensure renewal application.

(9) Applicants applying for temporary licensure renewal due to failure to take the certification examination as scheduled must show good and exceptional cause, verified under oath, as to the circumstances, which prevented the applicant/temporary licensee from taking the examination as scheduled. Good and exceptional cause shall include:

- (A) Death in the immediate family;
- (B) Illness documented by physician statement;
- (C) Accident;
- (D) Jury duty; and
- (E) Other exceptional causes as determined by the board.

(10) Each applicant shall instruct the National Commission on Certification of Physician Assistants to submit the applicant's certification examination results directly to the board.

(11) The renewed temporary license shall be valid until the examination results are received by the board, not to exceed three (3) weeks following the mailing of the results by the National Commission on Certification of Physician Assistants.

(12) The renewed temporary license will automatically terminate if the licensee fails the examination or does not sit for the examination as scheduled.

(13) Temporary licensees may be issued permanent licensure upon successful passage of the National Commission on Certification of Physician Assistants examination as determined by the National Commission on Certification of Physician Assistants; submission/completion of all the requirements specified in rule 4 CSR 150-7.100, an updated activities statement, the application form and application fee.

(14) When an applicant has filed his/her application and the appropriate fee for temporary licensure renewal, and the applicant is deemed to be ineligible or denied by the board pursuant to the provisions of section 334.100, RSMo and/or rule 4 CSR 150-7.140, or is subsequently withdrawn by the applicant, the fee will be retained by the board pursuant to the provisions of rule 4 CSR 150-7.200.

(15) The board may require an applicant for temporary licensure renewal to make a personal appearance before the advisory commission and/or board prior to rendering a final decision regarding temporary licensure renewal.

(16) An applicant may withdraw his/her application for temporary licensure renewal anytime prior to the board's vote on the application.

AUTHORITY: sections 334.100, 334.125, 334.735, 334.736, 334.738, 334.742, 334.743, 334.745 and 334.749, RSMo Supp. 1999. Original rule filed July 25, 2000.

PUBLIC COST: The public entity cost for this proposed rule is estimated to be \$244.11 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

PRIVATE COST: The private entity cost for this proposed rule is estimated at \$264.29 annually for the life of the rule. It is anticipated that the cost will recur each year for the life of the rule, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee. A detailed fiscal note, which estimates the cost of compliance with this rule, has been filed with the secretary of state.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the State Board of Registration for the Healing Arts—Advisory Commission for Physician Assistants, 3605 Missouri Boulevard, P.O. Box 4, Jefferson City, MO 65102, (573) 751-0098. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC ENTITY COST**

I. RULE NUMBER

Title: 4 - Department of Economic Development

Division: 150 – Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 7 – Physician Assistants

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-7.310 Applicants for Temporary Licensure Renewal

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision

Estimated Annual Cost of Compliance

State Board of Registration for the
Healing Arts

\$244.11

III. WORKSHEET

Expenditure of Money or Reduction in Income

CLASSIFICATION	FEES AMOUNT	NUMBER IN CLASS	AGGREGATE COST
Application Printing Cost	\$3.26	13	\$42.38
Statute, Rules and Regulation Printing Cost	\$50	13	\$6.50
License Printing Cost	\$11	13	\$1.43
Application Mailing	\$1.70	13	\$22.10
Correspondence Mailing	\$33	13	\$4.29
License Mailing	\$29	13	\$3.77
Total:			\$80.47

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Licensure Technician II	\$25,188.00	\$32,925.75	\$15.83	.26	15 minutes	\$1.30	\$16.90
Director of Operations	\$31,932.00	\$41,741.51	\$20.07	.33	5 minutes	\$1.65	\$21.45
Executive Director	\$58,215.36	\$76,099.12	\$36.59	.61	5 minutes	\$3.05	\$39.65
Account Clerk II	\$21,522.00	\$28,133.56	\$13.53	.23	10 minutes	\$2.30	\$29.90
Clerk IV	\$24,684.00	\$32,266.92	\$15.51	.26	3 minutes	\$0.78	\$10.14
Total:							\$118.04

The above staff salaries were calculated using the following formula:

Employee's salaries were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications for registration renewal. The total cost was based on the cost per application multiplied by the estimated thirteen (13) applications for registration renewal.

It is estimated that approximately one (1) licensee out of the total estimated thirteen (13) licensees for renewal may be assigned for investigative review. It is further estimated that if an investigative review is assigned an investigator will devote approximately two (2) hours investigating the applicant and/or situation, collecting the necessary documents and preparing an investigative report for the board's review. This would also include approximately thirty (30) minutes of a Clerk

Stenographer II to assemble this information for board review, copy the report to the board, log the investigative in the computer system, etc.

STAFF	ANNUAL SALARY	SALARY TO INCLUDE FRINGE BENEFITS	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	TOTAL COST
Investigator	\$31,344.00	\$40,972.88	\$19.70	.33	2 hours	\$39.60	\$39.60
Clerk Stenographer II	\$19,260.00	\$25,176.67	\$12.10	.20	30 minutes	\$6.00	\$6.00
Total:							\$45.60

The above investigative staff salaries were calculated using the following formula:

Salaries of employees involved in the investigative process were calculated using their annual salary multiplied by 30.72% for fringe benefits and then was divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent investigating the applicant or the situations. The total cost was based on the cost per renewal of registration multiplied by an estimated one (1) applicant out of the total estimated thirteen (13) applicants that may be assigned for investigative review.

ANNUAL FOR THE LIFE OF THE RULE: \$244.11

IV. ASSUMPTIONS

- It is estimated that the following staff time will be devoted on each application for registration renewal and devoted to the following duties:

Licensure Technician II – 15 minutes per application

Duties: telephone time devoted to applicants requesting renewal forms, answering inquiries relative to the documents necessary for renewal, processing the renewal application, corresponding to the applicant acknowledging receipt of the renewal application and advising of lacking documentation, updating the file as documents are received, and reviewing the file for completion and review by the Director of Operations

Director of Operations – 5 minutes per application

Duties: review the file and supporting documentation for approval or directing the file for the review of the board.

Executive Director – 5 minutes per application

Duties: review renewal applications directed to the board for review and approval. It is estimated that one (1) out of the estimated thirteen (13) renewal applications estimated to receive per year will require board review.

Account Clerk II – 10 minutes per application

Duties: enter fee as received and prepare a revenue transmittal, post the fee and reconcile the fee on a daily, monthly, and yearly basis

Clerk IV – 3 minutes per application

Duties: enter the fee on the daily fee log and disseminate the fee to the Licensure Supervisor.

- The board anticipates thirteen (13) individuals will apply for registration during the first year. The board estimates this renewal process will cost the board approximately \$18.78 per application.
- The public entity cost for this proposed amendment is estimated to be \$244.11 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**FISCAL NOTE
PRIVATE ENTITY COST**

I. RULE NUMBER

Title: Department of Economic Development

Division: Division of Professional Registration/State Board of Registration for the Healing Arts

Chapter: 7 -- Physician Assistants

Type of Rulemaking: Proposed Rule

Rule Number and Name: 4 CSR 150-7.310 Applicants for Temporary Licensure Renewal

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the annualas to the cost of compliance with the rule by the affected entities:
13	Individuals (application)	\$260.00
13	Individuals (postage)	\$4.29
Estimated Annual Cost of Compliance for the Life of the Rule		\$264.29

III. WORKSHEET

Biennial Registration Renewal Fee @ \$20.00
Postage @ \$.33

IV. ASSUMPTIONS

- The board anticipates thirteen (13) individuals will apply for renewal of registration during the first renewal period. The board estimates this registration process will cost each applicant approximately \$20.33.
- The private entity cost for this proposed amendment is estimated to be \$264.29 annually for the life of the rule. It is anticipated that the total annual cost will recur each year for the life of the rule, however, may vary with inflation and is expected to increase annually at the rate projected by the Legislative Oversight Committee.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 200—State Board of Nursing
Chapter 4—General Rules

PROPOSED AMENDMENT

4 CSR 200-4.040 Mandatory Reporting Rule. The board is proposing to amend sections (4) and (5).

PURPOSE: This amendment clarifies what can be reported by the board to mandated reporters when a mandated report has been received.

(4) [In cases where a nurse voluntarily submits to an employee assistance program or to rehabilitation program for alcohol or drug impairment and no disciplinary action is taken by the facility, the facility is not mandated to report but may report. If the nurse is subsequently disciplined by the facility for violating provisions of the employee assistance program or rehabilitation program or voluntarily resigns in lieu of discipline, the facility must report to the board under the above provision.] In response to a written or verbal inquiry on a specific nurse from a hospital or ambulatory surgical center regarding reports received by the board under the provisions of section 383.133, RSMo, and this rule, the board may provide the following information:

- (A) Whether any reports have been received;
- (B) A brief description of the facts that gave rise to the issuance of the report, including the dates of occurrence deemed to necessitate the filing of the report;
- (C) The nature of the final action taken by the hospital or ambulatory surgical center; and
- (D) Disciplinary action that the board took on each report.

(5) [In response to a written or verbal inquiry from a hospital or ambulatory surgical center regarding reports received by the board on a specific nurse, the board may provide the following information:] In cases where a nurse voluntarily submits to an employee assistance program or to a rehabilitation program for alcohol or drug impairment and no disciplinary action is taken by the facility, the facility is not mandated to report but may report. If the nurse is subsequently disciplined by the facility for violating provisions of the employee assistance program or rehabilitation program or voluntarily resigns in lieu of discipline, the facility must report to the board under the above provision.

[(A) Whether any reports have been received;
 (B) The nature of the action taken; and
 (C) Disciplinary action which the board took on each report or if the board has taken action on the report.]

AUTHORITY: sections 335.036, RSMo Supp. 1999 and [383.133] 383.133, RSMo 1994. Original rule filed Aug. 5, 1987, effective Nov. 12, 1987. Amended: Filed Jan. 8, 1988, effective April 28, 1988. Amended: Filed April 19, 1996, effective Nov. 30, 1996. Amended: Filed July 11, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the State Board of Nursing, Calvina Thomas, Executive Director, P.O. Box 656, Jefferson City, MO 65102. To be considered, comments

must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 30—Division of School Services
Chapter 4—General Administration

PROPOSED RESCISSON

5 CSR 30-4.020 Standards for the Approval of Courses and Administration of Reimbursement for the Education of Persons Under Veterans' Education, Vocational Rehabilitation, Job Training Partnership Act, P.L. 97-300 and Other Employment Training Funding Sources Contracting With the State Board of Education. The State Board of Education had the authority to establish standards for the approval of courses for the education of eligible persons as provided by Chapters 32–36, *United States Code*; the Comprehensive Employment and Training Act, P.L. 95-524; and the Rehabilitation Act of 1973. This rule proposed common approval standards for three programs and incorporated by reference the relevant federal law or regulations or both. All references to the State Board of Education included the program sections within the Department of Elementary and Secondary Education assigned responsibility for administration of the programs involved.

PURPOSE: This rule is being rescinded and resubmitted as other rules are being proposed. Rescission is necessary due to changes in federal legislation and a change in the assignment of the rule from the Division of School Services (formerly the Division of Administration) to the Division of Vocational and Adult Education.

AUTHORITY: sections 161.172, 178.430, 178.590 and 178.610, RSMo 1986 and 178.530, RSMo Supp. 1991. Original rule filed May 20, 1981, effective Nov. 16, 1981. Amended: Filed Aug. 13, 1982, effective Nov. 15, 1982. Amended: Filed Nov. 1, 1983, effective March 15, 1984. Amended: Filed July 17, 1990, effective Dec. 31, 1990. Amended: Filed June 1, 1992, effective Feb. 26, 1993. Rescinded: Filed July 7, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 5—DEPARTMENT OF ELEMENTARY AND
SECONDARY EDUCATION**
Division 60—Vocational and Adult Education
Chapter 120—Vocational Education

PROPOSED AMENDMENT

5 CSR 60-120.070 Vocational-Technical Education Enhancement Grant Award Program. The board is proposing to amend sections (2), (3), (4), and (7).

PURPOSE: This amendment is to allow for flexibility in administering the program. The revision includes removing the minimum cost of items purchased and the dates in which the request for proposals will be available from the division as well as when the proposals are to be received by the division.

(2) Eligible institutions shall include public high schools, area vocational-technical schools and community colleges that operate department-approved occupational preparatory (long-term) vocational education programs. Grant awards shall be made under the following conditions:

(B) An advisory committee with no fewer than twelve (12) members shall be established by each eligible institution prior to a grant award. This committee shall be composed of at least two (2) members representing each of the following groups: business persons, labor leaders, parents, senior citizens, community leaders and teachers. The committee shall assist the grant recipient with the development of a plan which will ensure that graduates proceed to a **two (2)- or four (4)-year college/university** or a high wage job with workplace skill development opportunities. This plan shall be developed prior to the close of the fiscal year that the grant recipient receives an initial grant under this grant award program. Eligible institutions that apply for grant funds after receiving an initial grant award shall submit a description of the accomplishments made toward the implementation of their initial plan and any modifications to their initial plan; and

(C) A budget shall be developed which details all major expenditure categories and itemizes all equipment purchases. Equipment purchases with grant funds shall—

1. Have prior approval of the Division of Vocational and Adult Education; **and**
 2. Be appropriate to the instructional content of the vocational education course or program.; **and**
- [3. Not be less than one hundred dollars (\$100) per item purchased.]*

(3) A request for proposals will be made available to eligible institutions by the Division of Vocational and Adult Education */by January 1 of/* for each fiscal year. Applicants must develop a grant proposal and forward it to the division no later than */March 31 of each fiscal year/* the published date in order to receive consideration. Grant awards will be effective July 1 of each year.

(4) Grant proposals must contain at least the following:

(C) A description of how the funds made available by this grant award program will be used to enhance the vocational education offerings at the institution and address demand occupations;

(I) An assurance by secondary school districts that student performance standards will be established within the district that lead to or qualify students for graduation, and that these standards */will be revised to/* meet or exceed the */performance standards adopted by the State Board of Education, with the advice and counsel of the Commission on Performance, as established by the Outstanding Schools Act/* Show-Me Standards;

(J) An assurance that prior to the close of the fiscal year of the grant award a plan will be developed with the assistance of the prescribed advisory committee, to ensure that graduates proceed to a **two (2)- or four (4)-year college/university** or a high wage job with workplace skill development opportunities;

(7) Beginning July 1, 1994, the commissioner of education shall request from the director of the Division of */Employment Security/* **Workforce Development**, Department of */Labor and Industrial Relations/* **Economic Development**, an annual listing of demand occupations in the state, including substate projections. The listing shall include those occupations for which, in the judgment of the director of the Division of */Employment Security/*

Workforce Development, there are critical shortages to meet present and future employment needs necessary to the economic growth and competitiveness of the state. **The Division of Vocational and Adult Education will publish the list of demand occupations annually in its request for proposals.**

[(A) The initial implementation year of the Vocational-Technical Education Enhancement Grant Award Program will begin on July 1, 1994. The Division of Vocational and Adult Education, as a means of providing sufficient planning time for eligible institutions to prepare grant proposals, shall use a list of demand occupations as prepared by the Missouri Occupational Information Coordinating Committee. This list will be developed prior to December 1, 1993.

(B) For subsequent years, the Division Vocational and Adult Education will use the list prepared by the director of the Division of Employment Security.

(C) The Division of Vocational and Adult Education will publish the list of demand occupations annually in its request for proposals.]

AUTHORITY: section 178.585, RSMo [1994] Supp. 1999. Original rule filed Nov. 10, 1993, effective June 6, 1994. Amended: Filed Nov. 22, 1994, effective June 30, 1995. Amended: Filed July 7, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION
Division 60—Vocational and Adult Education
Chapter 480—Employment Training

PROPOSED RULE

5 CSR 60-480.100 Standards for the Determination of Eligible Training Providers and Administration of Reimbursement for the Education of Persons Under the Workforce Investment Act of 1998 and Other Employment Training Funding Sources Contracting With the State Board of Education

PURPOSE: This rule establishes the criteria and procedures for the determination of eligible training providers under the Workforce Investment Act of 1998, any revisions or amendments to this Act, or replacement legislation.

PUBLISHER'S NOTE: The publication of the full text of the material that the adopting agency has incorporated by reference in this rule would be unduly cumbersome or expensive. Therefore, the full text of that material will be made available to any interested person at both the Office of the Secretary of State and the office of the adopting agency, pursuant to section 536.031.4, RSMo. Such material will be provided at the cost established by state law.

(1) All references to the State Board of Education (the board) in this rule may be construed to include the program sections within

the Department of Elementary and Secondary Education (the department) assigned responsibility for administration of the programs involved. The provisions of this section apply to the application and certification of eligible training providers.

(A) All interested providers of training must apply and be determined eligible to receive Workforce Investment Act funds. State approved procedures, entitled *Training Provider Certification*, which is incorporated by reference and made a part of this rule, will be followed in the determination of eligible training providers. Programs of training offered by eligible training providers must annually meet performance levels in order to remain on the state list. All approved training providers will be included on a state list. A copy of the *Training Provider Certification* document is available from the Employment Training Section, Division of Vocational and Adult Education, Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, MO 65102.

(B) Training providers will be required to annually provide performance information and program cost information as specified in the *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

(C) The department will annually review performance levels for programs approved under the state procedures. Programs that do not achieve these performance levels may lose their eligibility and be removed from the state list. Training providers can appeal a denial or termination of eligibility pursuant to the rules promulgated by the board and *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

(D) Public not-for-profit and/or for-profit institutions shall operate in compliance with the Workforce Investment Act; applicable federal and state laws and regulations; Division of Workforce Development issuances; and local ordinances.

(E) The institution shall permit on-site inspections by authorized representatives of the department; Missouri Division of Workforce Development; local workforce investment boards; Missouri Department of Higher Education; the United States Department of Labor; and/or any other state, federal or local agency as legally authorized to monitor activities for which funds have been provided.

(F) Good housekeeping must be maintained throughout the institution at all times.

(G) There shall be sufficient, qualified and capable personnel connected with the institution to ensure good administration, supervision and instruction.

(H) The charges for tuition, fees and/or other charges for the course or program of education shall be reasonable, based on the services to be rendered, the books, supplies, equipment to be furnished and/or the operating costs of the institutions.

1. The institution shall establish and maintain a policy for the refund of the unused portion of tuition, fees and other charges in the event an eligible person fails to enter the course, withdraws or is discontinued at any time prior to completion.

(I) Appeal procedures for the denial or termination of eligibility.

1. Training providers shall have the right to appeal a denial of eligibility or termination of eligibility, pursuant to the rules promulgated by the board and the *Training Provider Certification* document which is incorporated by reference and made a part of this rule.

A. An appeal must be submitted in writing to the department within forty-five (45) days of the complainant being notified of a denial or termination of eligibility.

B. An Appeal Review Board will review the appeal and provide a written decision to the complainant within thirty (30) days after receipt of the appeal.

C. If the Appeal Review Board's decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request for a hearing to the department. A hearing will be conducted within thirty (30) days of receipt of the written request by

representatives from the complainant, the Appeal Review Board and the local Workforce Investment region in which the complainant operates. A written decision shall be issued within fifteen (15) days following the hearing.

D. If this decision does not resolve the appeal, the complainant has fifteen (15) days to submit a written request to the department requesting a review by the Missouri Training and Employment Council (MTEC). MTEC or its designee shall review the appeal and issue a final decision within thirty (30) days from receipt of the request. The MTEC or its designee's decision is final.

(2) The provisions of this section apply to the administration of individual training account (ITA) referrals under the Workforce Investment Act and other funding sources contracting with the board for individual referrals.

(A) For the purpose of administering this rule, an ITA referral is a student referred by a state or local entity under contract with the department for skill training or training-related service for which the board has contracted to reimburse a public, not-for-profit or for-profit institution.

(B) The board shall enter into written agreements with public, not-for-profit and/or for-profit institutions for the purpose of administering ITAs and developing and providing procedures that assist in administering the program.

(C) Public not-for-profit and/or for-profit institutions shall operate in compliance with the Workforce Investment Act; applicable federal and state laws and regulations; Division of Workforce Development issuances; and local ordinances.

(D) An institution's tuition rate for a course(s) will be the basis for calculating reimbursement payments for an ITA.

1. Tuition payments shall be made on the basis of the school's instructional periods, (that is, quarters, terms or semesters). Institutions shall submit reimbursement requests for tuition payments of ITAs for each instructional period. However, the following exceptions shall apply:

A. Any instructional period that is at least twenty (20) weeks but no more than thirty-nine (39) weeks, will be treated as having a minimum of two (2) equal instructional periods;

B. Any instructional period that is at least forty (40) weeks but no more than fifty-nine (59) weeks, will be treated as three (3) equal instructional periods;

C. Courses with instructional periods that are at least sixty (60) weeks or more will be divided into additional segments of twenty (20) weeks; and/or

D. Institutions offering approved programs in licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic; radiology and/or massage therapy may only request a one (1)-time reimbursement for an ITA.

2. Costs for equipment, fees and supplies are to be reimbursed separately as those costs are incurred. Registration fees are limited to a maximum of one hundred dollars (\$100) per student.

3. In case of a student termination, the refund policy of the institution shall apply to funds received from the board.

AUTHORITY: sections 178.430, 178.440, 178.450 and 178.460, RSMo 1994 and 178.530, RSMo Supp. 1999. Original rule filed July 7, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the

Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 5—DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION

Division 60—Division of Vocational and Adult Education

Chapter 900—Veterans’ Education

PROPOSED RULE

5 CSR 60-900.050 Standards for the Approval of Courses for the Education of Persons Under Veterans’ Education and Vocational Rehabilitation

PURPOSE: The State Board of Education has the authority to establish standards for the approval of courses for the education of eligible persons as provided by Chapters 32-36, Title 38, United States Code and the Rehabilitation Act of 1973. This rule proposes common approval standards for these programs.

(1) All references to the State Board of Education (the board) in this rule may be construed to include the Department of Elementary and Secondary Education (the department) and the appropriate program sections. The provisions of this section apply to accredited courses and nonaccredited courses.

(A) A course shall not be approved unless the institution has operated that course successfully for a period of twenty-four (24) calendar months for veterans’ education courses or six (6) calendar months or for one (1) graduating class for vocational rehabilitation courses. Successful operation shall mean an operation which is sound educationally and financially. The following are exceptions:

1. Any course to be pursued in a public or other tax-supported educational institution;

2. Any course which is offered by an educational institution which has been in operation for more than two (2) years or six (6) calendar months, whichever is appropriate, if the course is similar in character to a course previously given by the institution;

3. Any course which has been offered by an educational institution for a period of more than two (2) years or six (6) calendar months, whichever is appropriate, notwithstanding the institution has moved to another location within the same general locality or has made a complete move with substantially the same faculty, curricula and students, without change in ownership;

4. Any course which is offered by an educational institution of college level and which is recognized for credit toward a standard college degree; or

5. Any course for vocational rehabilitation when a needed course is not available at any other institution offering approved courses within a fifty-five (55)-mile commuting distance as approved by the department.

(B) The educational institution must operate in compliance with all applicable federal, state laws and/or regulations and/or local ordinances.

(C) The institution shall make available the instructional facilities and all appropriate records and accounts for inspection by the authorized representatives of the department, United States Department of Education and the Department of Veterans Affairs.

(D) Institutions may make a request for an exception to any of the requirements or provisions of this rule. The institutions must

make the request in writing and provide justification for the exception. An exception may be allowed only at the discretion of the department.

(E) Any approval issued under the provisions of this rule may be withdrawn or suspended by the department for cause. Before any approval is suspended or withdrawn, the department shall serve a notice in writing to the affected institution with a statement of the reason for its action, unless exigent circumstances warrant immediate suspension of future enrollments. The notice shall be served not less than ten (10) days before the effective date of the action. Upon request during the ten (10)-day period, the institution shall be entitled to a hearing before the department. The affected institution shall be notified within a reasonable time of the department’s action.

(F) Advertising must be completely truthful and factual and must avoid leaving any misleading, false or exaggerated impression, either by actual statement, omission or intimation.

1. Institutions which have courses approved for eligible persons shall limit their advertisement of this fact to a statement such as Approved for Veterans’ Education by the department, Approved for Veterans, or G.I. Approved. Statements such as Approved by the Department of Veterans Affairs (VA) or VA Approved are not acceptable as the Department of Veterans Affairs is not the approving agency.

2. Advertising must clearly indicate that training or education and not employment, is being offered. Advertising under help wanted classifications is prohibited.

3. Advertising must include the correct name and location of the institution.

4. Institutions shall assume full responsibility for the actions, statements and conduct of their field representatives.

5. Institutions with courses approved by the department must comply with the advertising criteria of state-approving agencies in the states in which advertising is used.

(G) For veterans’ education, a course with a vocational objective will not be approved unless the eligible person or the institution offering that course, establishes that at least one-half (1/2) of the persons completing the course, over the preceding two (2)-year period, excluding the number of persons who completed those courses with assistance under Title 38, *United States Code* (U.S.C.), while serving on active duty and the number of persons who are unavailable for employment, have been employed in the occupational category for which the course was designed to provide training.

(H) A change of ownership, administration or location without consent of the department shall be sufficient cause to withdraw the approval or suspend future enrollments.

(I) Institutions which have live projects as a part of the instruction program shall submit a statement of policies for approval by the department. The purpose of the policy is to prevent schools from emphasizing a commercial enterprise rather than work related to hands-on and classroom training.

1. The statement of policies must provide information regarding charges for instructor and student labor and materials used in live projects instruction.

2. The institution shall keep records on file concerning live projects which will show that the institution is not violating its statement of policies.

3. The utilization of participants in custodial maintenance within the school for areas other than the immediate shop or work area is expressly forbidden.

4. Students cannot perform capital improvements on buildings and facilities owned by a private-for-profit agency. Capital improvements are any modification, addition or restoration which increases the usefulness, productivity or serviceable life of an existing building or structure, or major item of equipment which

is classified for accounting purposes as a fixed asset and the recorded value is increased by the cost of the improvement and subject to depreciation.

(J) The charges for tuition, fees and other charges for the course or program of education shall be reasonable, based on the services to be rendered, the books, supplies and equipment to be furnished and the operating costs of the institution.

(2) The provisions of this section apply to accredited courses.

(A) A course may be approved as an accredited course if it meets one (1) of the following requirements:

1. The course has been accredited and approved by a nationally recognized accrediting agency or association. Candidate for accreditation status is not a basis for approval of a course as accredited;

2. Credit for the course is recognized by the department for credit toward a high school diploma or for a certificate of license to teach; or

3. The course is conducted under 20 U.S.C. 11-28 concerning vocational education.

(B) Any curriculum offered by an educational institution which is a member of one of the nationally recognized accrediting agencies or associations and which leads to a degree, diploma or certificate may be accepted as an accredited course by the department. Any curriculum accredited by one of the specialized nationally recognized accrediting agencies or associations and which leads to a degree, diploma or certificate may also be accepted as an accredited course by the department. Approval of the individual subjects, required or elective, which are designated as a part of the curriculum will not be necessary. This approval may include noncredit subjects that are prescribed as a required part of the curriculum. The course objective may be educational leading to a high school diploma or a standard college degree or it may be vocational or professional leading to an occupation.

(C) A nationally recognized accrediting agency or association is one (1) that appears on the list published by the United States Department of Education. The department may utilize the accreditation of accrediting agencies or associations for approval of the course specifically accredited and approved by that agency or association.

(D) Applications for initial approval or for approval of additional courses shall be made on the application provided by the department. The application form and attachments should be submitted to the director of Veterans' Education, Department of Elementary and Secondary Education, P.O. Box 480, Jefferson City, MO 65102. Courses approved under Veterans' Education guidelines may be accepted for vocational rehabilitation. Courses for program specific purposes will be approved by the respective program. The application shall include the required copies of the school's catalog or bulletin which must be certified as true and correct in content and policy by an authorized representative of the school. The catalog, bulletin or separate publication must specifically state the following:

1. Institution policy and regulations relative to standards of progress required of the student by the institution. This policy will define the grading system of the institution, the minimum grade considered satisfactory, conditions for the interruption for unsatisfactory grades or progress, and a description of the probationary period, if any, allowed by the institution and conditions of reentrance for those students dismissed for unsatisfactory progress. A statement will be made regarding progress records kept by the institution and furnished the student;

2. Institution policy and regulations relating to student conduct, conditions for dismissal for unsatisfactory conduct, conditions of reentrance of students dismissed for unsatisfactory conduct; and

3. Institution policy and regulations relating to student attendance for resident courses not leading to a standard college degree,

conditions for dismissal for unsatisfactory attendance and conditions of reentrance of students dismissed for unsatisfactory attendance.

(E) The department may approve the application of the school when the school and the courses are found to have met the following criteria:

1. Adequate records are kept by the school to show the progress of each eligible person.

A. The records must be sufficient to show continued pursuit at the rate for which enrolled and the progress being made.

B. They must include a final grade in each subject for each term, quarter or semester; record of withdrawal from any subject to include the last day of attendance for a resident course; and record of reenrollment in subjects from which there was a withdrawal.

C. The school must provide a system for establishing and reporting promptly to the department, Department of Veterans Affairs or other appropriate federal agency, the last date of attendance or the last date of pursuit of an eligible person who discontinues a subject(s) or fails to comply with the school's withdrawal procedures.

D. They may include records such as attendance for resident courses, periodic grades and examination results;

2. The school maintains a written record of previous education and training of the eligible person which clearly indicates that appropriate credit has been given by the school for previous education and training, with the training period shortened proportionately and the person and the Department of Veterans Affairs and vocational rehabilitation so notified. The record must be cumulative in that the results of each enrollment period, whether term, quarter or semester, must be included so that it shows each subject undertaken and the final result—that is, passed, failed, incomplete or withdrawn;

3. The school enforces a policy relative to standards of conduct and progress required of the eligible persons.

A. The school policy relative to standards of progress must be specific enough to determine the point in time when educational benefits should be discontinued, when the eligible person ceases to make satisfactory progress.

B. No eligible person will be considered to have made satisfactory progress when s/he fails all subjects undertaken, except when there is a showing of mitigating circumstances, when enrolled in two (2) or more unit subjects.

C. The policy must include the grade or grade point average that will be maintained if the student is to graduate. For example, a college must require a 1.5 grade point average the first year, a 1.75 average at mid-year the second year and a cumulative average of 2.0 thereafter on the basis of 4.0 for an A. The policy may include a probationary period of two (2) quarters or semesters when the student falls below the required average. If a probationary period is allowed, it will not be necessary to report unsatisfactory progress to the Department of Veterans Affairs until the completion of the probationary period.

D. The enrollment of a veteran or other person eligible for veterans' benefits shall not be considered valid under applicable federal law and/or regulation, for a course for which the grade assigned is not used in computing the requirements for graduation; including a course from which a student withdraws after an official drop-add period, not to exceed thirty (30) days, unless there are mitigating circumstances;

4. The school maintains adequate attendance records for eligible persons enrolled in resident courses not leading to a standard college degree; and

5. The school must provide, upon request by the department, an authenticated copy of the latest report of accreditation from the appropriate accreditation agency(ies).

(3) The provisions of this section apply to courses which cannot be considered as accredited courses pursuant to this rule.

(A) Applications for initial approval or for approval of additional courses shall be made on the application provided by the department. The required copies of the completed application and all attached materials should be submitted to the department.

(B) The school shall notify the appropriate section of the department of any change in personnel, charges, ownership or any other information contained in the initial application. The changes shall be submitted promptly on forms provided by the department.

(C) The institution must be financially sound and capable of fulfilling its commitments for the approved educational program.

(D) The institution must require good discipline, orderliness and regular attendance at all times.

(E) The institution shall publish its standards of conduct, progress and attendance which are required of students and shall enforce these standards. These standards must define the following:

1. The school's grading system;
2. The minimum satisfactory grade level;
3. Conditions for interruption of training due to unsatisfactory grades or progress;
4. A description of any probationary period;
5. Conditions for a student's reentrance/readmission following dismissal and/or suspension for unsatisfactory progress, conduct or attendance; and
6. Conditions for dismissal due to unsatisfactory conduct and/or attendance.

(F) Good housekeeping must be maintained throughout the institution at all times.

(G) There shall be sufficient, qualified and capable personnel connected with the institution to ensure good administration, supervision and instruction.

1. All personnel connected with the institution shall be of good reputation and character.

2. The administrator shall have at least three (3) years of experience in a public or private school in administrative work or possess a college degree with at least a minor in the field of administration.

3. All instructors must be proficient in the trade or occupation to be taught, as evidenced by at least three (3) years of experience beyond the learning stage in the trade, occupation or subject or shall possess a college degree with at least a minor in the subject involved. These qualifications must be clearly shown on a personnel record form provided by the department for each person on the school staff.

4. No instructor shall have a daily schedule (both in school and outside of school) of more than fifty-five (55) hours per week, nor shall any instructor be engaged in instructional work for more than forty-eight (48) hours per week. The instructional workday of instructors will include break times allowed the students. Business school teachers shall not teach more than forty-eight (48) hours per week including evening school.

(H) The institution must provide adequate facilities.

1. All classroom, laboratory and shop areas must be well-lit, heated and ventilated.

2. Adequate space must be provided in classrooms, laboratories and shops for the number to be trained.

3. Separate toilet facilities must be provided for both sexes, if both sexes are enrolled in the institution. At least one (1) stool must be provided for each twenty-five (25) students and at least one (1) urinal for each thirty-five (35) male students. Adequate lavatory facilities must be provided in those institutions involving work with laboratory or shop tools.

4. Adequate locker space must be provided each student in those institutions where needed for storage of student tools, supplies and/or clothing.

5. Classrooms must be equipped with comfortable chairs and tables or armchairs and with a blackboard of sufficient size for use by the instructors. Classrooms must be separate from shops and laboratories and must be partitioned so that there is a minimum of noise from shops and laboratories.

6. An adequate library must be provided which is easily accessible and which contains sufficient reference materials so that each student will be provided with essential related information.

7. Tools and/or laboratory equipment must be provided in sufficient quantities and in good quality.

8. Teaching materials must include modern teaching aids, charts, films, projectors, mock-ups, models, and the like, when those materials are necessary to the teaching of the trade, occupation or subject.

9. Institutions may not be operated in connection with a commercial enterprise unless approved by the department.

10. Institutions shall not be located in conjunction with living quarters.

11. Accommodations for the disabled shall be provided by the institution in accordance with applicable federal and state laws and/or regulations.

(I) The course of study must be adequate to prepare the student for the stated course objective.

1. The course of study applicable to veterans and other persons eligible for veterans' benefits shall provide for a minimum of twelve (12) weeks and a minimum of three hundred (300) hours of instruction. Shorter courses will not be approved unless an exception is granted by the department pursuant to the rules promulgated by the board.

2. The course of study shall be consistent in quality, content and length with similar courses offered by public and private schools in the state which have recognized accepted standards.

3. The course of study shall provide for a schedule of the tests and examinations to be given.

4. The grading policy must provide for periodic evaluation of the student's proficiency and progress.

(J) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to absences, grading policy and rules of operation and conduct will be furnished the eligible person upon enrollment. The established student complaint procedures must be posted in a conspicuous place within the school.

(K) Upon completion of training, the eligible person will be given a certificate by the school indicating the approved course and indicating that training was satisfactorily completed.

(L) The school must maintain adequate records which include the following:

1. A written record of the previous education and training of the eligible person that clearly indicates that appropriate credit has been given for previous education and training, with the training period shortened proportionately and the eligible persons, the Department of Veterans Affairs and vocational rehabilitation so notified;

2. Accurate and current records of attendance, tardiness, makeup work, proficiency and progress;

3. Individual instructor's class records and permanent office records for each student;

4. Placement or location records for graduates;

5. The institution shall maintain financial records in accordance with generally accepted accounting principles and which accurately reflect and support the receipts and charges applicable to veterans and vocational rehabilitation supported students. Further, that all these records and supporting documents shall be retained in accordance with current state and/or federal laws, and/or regulations; and

6. The institution shall submit any records, documents, reports and/or data requested by the department necessary for the administration of the veterans and vocational rehabilitation programs.

(M) The charges for tuition, fees and other charges for the course or program of education shall be reasonable, based on the services to be rendered, the books, supplies and equipment to be furnished and the operating costs of the institutions. The following referral policy applies only to eligible persons receiving veterans benefits:

1. The institution shall establish and maintain a policy for the refund of the unused portion of tuition, fees and other charges in the event an eligible person fails to enter the course or withdraws or is discontinued at any time prior to completion and the policy shall provide that the amount charged to the eligible person for tuition, fees and other charges for a portion of the course does not exceed the approximate *pro rata* portion of the total charges for tuition, fees and other charges that the length of the completed portion of the course bears to its total length.

(N) The institution shall use a satisfactory method of selecting students. Entrance requirements shall be based upon ability of the individual to perform at a level commensurate with the physical or mental demands, or both, of the course. Instruments for measuring ability shall include previous school records, previous work records, psychological testing as and when necessary.

(O) An accurate and current organizational chart shall be available showing the following:

1. Daily hours of instruction including beginning and ending time of classes, lunch, break periods, and the like;
2. Instructor's schedule including instructor's name, subject taught, time and room assignment; and
3. A class schedule must be maintained for each student in institutions having a curriculum composed of single unit subjects.

(4) The provisions of this section apply to charges and reimbursements for accredited and nonaccredited courses. For the purpose of administering this rule, an individual referral is a student referred by a sponsoring agency for skill training or training-related service for which the department has contracted to reimburse a public, not-for-profit or for-profit institution. The cost of training for individual referrals with the Division of Vocational Rehabilitation shall be reimbursed in the following way:

(A) The department shall enter into written agreements with public, not-for-profit and for-profit institutions for the purpose of administering individual referrals and shall develop and provide procedures which assist in administering the program;

(B) Courses which meet the following conditions are eligible to be included in the individual referral program:

1. Courses which are approved under this rule; and
2. Courses which are offered outside of the boundaries of Missouri may be utilized when they are approved by a comparable agency as determined by the department;

(C) Tuition payments shall be made on the basis of the school's instructional periods, (that is, quarters, terms or semesters). However, the following guidelines shall apply:

1. Any instructional period that is at least twenty (20) weeks but no more than thirty-nine (39) weeks, will be treated as having a minimum of two (2) equal instructional periods;

2. Any instruction period that is at least forty (40) weeks but no more than fifty-nine (59) weeks, will be treated as three (3) equal instructional periods. Programs of instruction in licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic, radiology and massage therapy are excluded;

3. Courses with instructional periods that are at least sixty (60) weeks or more will be divided into additional segments of twenty (20) weeks; and/or

4. The total instructional program for licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic, radiology and/or massage therapy will be treated as one (1) instructional period;

(D) Costs for equipment, fees and supplies are to be reimbursed separately as those costs are incurred. Registration fees are limited to a maximum of one hundred dollars (\$100) per student;

(E) In case of a student termination, the following refund policy shall apply to funds received from the department:

1. Within the first week of each instructional period, the school may retain ten percent (10%) of the tuition;

2. Within the second and third week of each instructional period, the school may retain twenty percent (20%) of the tuition;

3. After the beginning of the fourth week in each instructional period but prior to twenty-five percent (25%) of each instructional period, the school may retain twenty-five percent (25%) of the tuition;

4. After completing twenty-five percent (25%) but prior to completing fifty percent (50%) of the instructional period, the school may retain fifty percent (50%) of the tuition;

5. After completing fifty percent (50%) of the instructional period, the school may retain one hundred percent (100%) of the tuition;

6. For short courses where there is a conflict in the refund pursuant to this rule, the school will retain the greater amount; or

7. For courses offered by an accredited school that lead toward an associate or higher degree or programs of instruction in licensed practical nursing, surgical technology, respiratory therapy, dental technology, emergency medical technician-paramedic, radiology and/or massage therapy the refund policy of the institution will be applied;

(F) Services provided prior to or after dates approved by the authorizing document will not be reimbursed;

(G) Institutions shall submit reimbursement request for tuition payments of individual referrals for each instructional period; and

(H) Due to the short-term, intense nature of proprietary, trade or technical school courses, and the close involvement by vocational rehabilitation counselors and others in the vocational training process, monthly progress reports to the vocational rehabilitation counselor are required.

AUTHORITY: sections 161.172, 178.430, 178.590 and 178.610, RSMo 1994 and 178.530, RSMo Supp. 1999. Original rule filed July 7, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri Department of Elementary and Secondary Education, Attention Dr. Nancy Headrick, Assistant Commissioner, Division of Vocational and Adult Education, P.O. Box 480, Jefferson City, MO 65102-0480. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF /HIGHWAYS AND/ TRANSPORTATION

Division 10—Missouri Highways and Transportation Commission

Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.010 Purpose. The commission is amending the fiscal note with respect to the Adopt-A-Highway Program and proposes to amend previous section (1) and to add new section (3).

PURPOSE: This amendment revises the fiscal note information and further describes the purpose of the Adopt-a-Highway Program.

(1) The purpose of the Adopt-A-Highway Program is to *increase public awareness of the environmental needs along Missouri's highways and to* provide volunteer community support for anti-litter and highway beautification programs **with the potential for a cost savings to the Missouri Department of Transportation for use for other highway purposes.**

(3) The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes. Missouri highway right-of-way is not a public forum.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Amended: Filed July 10, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate. However, this amendment may result in a savings of approximately \$1,422,892 per year to the Missouri Department of Transportation. See attached fiscal note.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

FISCAL NOTE
PUBLIC ENTITY COST

I. 7 CSR 10-14.010

Title: 7 - Missouri Department of Transportation

Division: 10 - Missouri Highways and Transportation Commission

Chapter: 14 - Adopt-A-Highway Program

Type of Rulemaking: Amended Rule

Rule Number and Name: 7 CSR 10-14.010, Purpose.

II. SUMMARY OF FISCAL IMPACT

Estimate of number of entities by class which would likely be affected by adoption of rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
1	Missouri Department of Transportation (MoDOT)	(\\$ 1,422,892)savings

III. WORKSHEET

MoDOT's expenditures:

Signs, including installation:

\$149/for 2 signs x 200 groups-permanent sign	\$ 29,800
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Trash Bags:

.15/bag x 15 bags x 4 pickups per year = \$9/group	
\$9 x 4,673 groups participating	42,057

Safety Vests:

.38 x 47,000 (approx. individual participants) divided by 3 (one-time charge and vests may be reused)	5,953
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TOTAL	\$ 77,810
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MoDOT savings per year

Adopt-A-Highway litter pick up averages 15 trash bags per pick up at four pick ups per year.
(4,673 groups x 4 pick ups x 15 trash bags = 280,380 bags)

Labor cost if agency did trash pick up rather than volunteers - 280,380 total bags (divided by 3 bags picked up per hour - 93,560 bags / hour x average labor rate of \$16.04/hr.	\$1,500,702
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Minus State Expenditures	- \$ 77,810
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TOTAL STATE SAVINGS PER YEAR	\$1,422,892

IV. ASSUMPTIONS

The fiscal impact on the Missouri Department of Transportation is based upon the following assumptions and methodology:

(a) There were 4,673 groups during the year 1999. Each group is to perform a program activity at least 4 times per year. Each activity averages in 15 bags of trash being picked up. This calculates at a total of 280,380 trash bags per year. The average worker would pick up 3 bags of trash per hour. A MoDOT employee's average labor rate (pay grade 5) is \$16.04. Therefore, it would cost MoDOT \$1,500,702 in labor expenses to do the work of the adopters.

(b) These public entity costs will recur each year for the life of the rule; however, the number of program participants will vary from year to year and are almost impossible to predict accurately.

Title 7—DEPARTMENT OF [HIGHWAYS AND] TRANSPORTATION**Division 10—Missouri Highways and Transportation Commission****Chapter 14—Adopt-A-Highway Program****PROPOSED AMENDMENT**

7 CSR 10-14.020 Definitions. The commission proposes to amend sections (3), (4), and (7), add new sections (9) and (12) and renumber remaining sections.

PURPOSE: This amendment contains additional definitions of terms used in this chapter.

(3) Adopter representative means a group member designated to represent the volunteer group and serve as its liaison with the commission. *[Usually the person who signs the agreement is the adopter representative.] The adopter representative is the person who signs the agreement.*

(4) Agreement means the written agreement between the volunteer individual or group adopting a section of highway right-of-way and the *[Missouri Highways and Transportation Commission]* commission.

(7) Department means the *[Missouri Highways and Transportation Department]* Missouri Department of Transportation.

(9) Participant means any individual, including individuals within a group, who will be participating in the program activity.

/(9)] (10) Program means the Adopt-A-Highway Program.

/(10)] (11) Program activity means litter pickup and/or beautification and/or mowing.

(12) Violent criminal activity means any offense having as an element the use, attempted use, or threatened use of physical force against the person or property of another or any offense involving weapons.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expired Aug. 15, 2000. Amended: Filed July 10, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF [HIGHWAYS AND] TRANSPORTATION**Division 10—Missouri Highways and Transportation Commission****Chapter 14—Adopt-A-Highway Program****PROPOSED AMENDMENT**

7 CSR 10-14.030 Application for Participation. The commission proposes to amend the previous section (1) and subsection (2)(B) and add a new section (1) and subsections (3)(A), and (3)(B), and delete previous subsections (2)(A) and (2)(C).

PURPOSE: This amendment is to further identify criteria for eligible adopters and criteria in determining whether an application is rejected or accepted.

(1) The adopter or adopter representative of a group who desires to participate in the program shall submit an application to the commission on a form provided by the commission.

/(1)] (2) Eligible Adopters. Eligible adopters include civic and nonprofit organizations, commercial and private enterprises and individuals $.$: 1) who have not been convicted of, or pled guilty or no contest to, a violent criminal activity, except as provided below; 2) whose participants have not been convicted of, or pled guilty or no contest to, a violent criminal activity, except as provided below; 3) for whom state or federal courts have not taken judicial notice of a history of violence; or 4) who do not deny membership on the basis of race, color, or national origin. Any individual adopter or participant may be eligible ten (10) years after the completion of any incarceration, probation or parole. Applicants who do not meet the eligibility requirements will be denied participation in the program. *[The program is not intended as a means of providing a public forum for the participants to use in promoting name recognition or political causes.] The commission reserves the right to limit the number of adoptions for a single group.*

/(2)] (3) Acceptance of Application. The commission will have sole responsibility in determining whether an application is rejected or accepted and determining what highways will or will not be eligible for adoption.

(A) *[The commission may refuse to grant a request to participant if, in its opinion, granting the request would jeopardize the program, be counterproductive to its purpose or have undesirable results such as increased litter, vandalism or sign theft.] The commission may refuse to grant a request to participate if the applicant has submitted false statements of a material fact or has practiced or attempted to practice any fraud or deception in an application. Material facts include statements regarding convictions of violent criminal activity or membership qualifications.*

(B) An application completed by an individual on behalf of a group or organization must identify the group or organization for which the application is being submitted and failure to identify the group or organization on the application will result in rejecting the application.

/(B) Applicants must adhere to the restrictions of all state and federal nondiscrimination laws. Specifically, the applicant must not discriminate on the basis of race, religion, color, national origin or disability. Such discrimination disqualifies the applicant from participation in the program.]

(C) *[Applicants with a history of unlawfully violent or criminal behavior will be prohibited from participation in the program.]* The adopter representative will certify on the application form that the group or organization does not deny membership on the basis of race, color, or national origin.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. Amended: Filed July 10, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 7—DEPARTMENT OF [HIGHWAYS AND] TRANSPORTATION
Division 10—Missouri Highways and Transportation Commission
Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.040 Agreement [Terms]; Responsibilities of Adopter and Commission. The commission proposes amending the rule title and to amend section (1) and subsections (2)(C), (2)(D), (2)(F), (2)(G), (2)(L), (3)(B), and add new subsections (2)(B), (2)(E), (2)(F), (2)(S), (2)(T) and (3)(D) and delete section (4).

PURPOSE: This amendment provides for additional terms of the written agreement between the adopter and the commission to promote the safety of the program and to develop a record keeping system for tracking the program's success.

(1) If an application is approved by the commission, the **adopter or** adopter representative shall execute a written agreement with the commission, and upon signing by both parties, the agreement becomes effective and provides for the **individual's or** group's participation in the program.

(2) Responsibilities of Adopter. The adopter shall—

(B) Provide to the commission, in writing, the name and complete mailing address, including street address, of the adopter representative and notify the commission within thirty (30) days, in writing, of any change of the adopter representative's name or address;

(I(B)/(C)) Abide by all safety requirements as listed in the department's Safety Tips brochure;

(I(C)/(D)) Have *[all members of the group]* the adopter, if the adopter is one individual, or the adopter representative participating in the program activity attend a safety training meeting conducted by the *[adopter representative, or designee]* commission before participation in *[any]* the initial program activity;

(E) Have all members of the group participating in the program activity attend a safety training meeting conducted by the

adopter representative, before participation in the initial program activity;

(F) Have the adopter or adopter representative submit to the commission, in writing on a form provided by the department, the following information: 1) the name and street address of each participant; 2) a release of liability signed by each participant or parent or legal guardian of the participant if participant is a minor; 3) the participant's acknowledgement that he/she has attended a safety training meeting; and 4) if the participant is not a minor, the participant's statement that he/she has not been convicted of, or pled guilty or no contest to, a violent criminal activity;

(I(D)/(G)) Properly use all safety equipment provided by the department and perform the work in a safe, **responsible**, and professional manner;

(I(E)/(H)) Provide one (1) adult supervisor for every eight (8) participants between thirteen and seventeen (13-17) years of age and one (1) adult supervisor for every four (4) participants between six and twelve (6-12) years of age. No one under the age of six (6) will be allowed to participate in the program;

(I(F)/(I)) Adopt a section of highway right-of-way for a minimum of three (3) years and **submit a new application every three (3) years if the adopter wants to continue participation in the program;**

(I(G)/(J)) Collect litter along the adopted section a minimum of *[four (4) times per year]* twice every six (6) months, or as required by the commission;

(I(H)/(K)) Adopt for litter pickup a minimum of two (2) miles in rural areas and one-half (1/2) mile in urban areas. Shorter lengths may be permissible in special circumstances;

(I(I)/(L)) Provide prior notice, as required by the commission, before performing any program activity;

(I(J)/(M)) Restrict program activities to the areas of right-of-way outside the pavement and shoulder areas;

(I(K)/(N)) Perform program activity between the hours of one (1) hour after sunrise to one (1) hour before sunset and not during inclement weather;

(I(L)/(O)) Prohibit *[members]* participants from possessing, consuming, or being under the influence of alcohol or drugs while participating in the program;

(I(M)/(P)) Place litter in trash bags provided by the department and place filled trash bags at a designated location;

(I(N)/(Q)) Separate tires, batteries and other trash as needed for proper disposal according to local landfill requirements; *[and]*

(I(O)/(R)) Indemnify and hold harmless the commission and department and their officers, employees and agents from any claim, lawsuit or liability which may arise from adopter's participation in the program./.;

(S) Have the adopter or adopter representative submit to the commission within five (5) working days of any program activity, the following information: 1) the adopter's name; 2) the date of the program activity; 3) the total hours involved in the program activity; and 4) the total number of bags of trash picked up. This information can be provided by calling the department representative, by E-mailing the department representative or by filling out and mailing the Activity Report form provided by the department. This information will enable the department to monitor the program's success; and

(T) Not subcontract or assign its responsibilities under this program to any other enterprise, organization, or individual unless assignee is also an active adopter.

(3) Responsibilities of Commission. The commission shall—

(B) Except as provided for in 7 CSR 10-14.050, *[Install]* install and maintain signs, if desired by the adopter *[that conform with 7 CSR 10-14.050]*, at both ends of the adopted section;

(D) Provide safety training to the adopter, if the adopter is one individual, or the adopter representative which includes but is not limited to a safety video and Safety Tips brochure;

/(D)/(E) Provide the adopter with safety equipment; and

/(E)/(F) Remove and dispose of filled trash bags from the adopted section as soon as practical after the litter pickup is finished.

/(4) Termination of Agreement. The commission reserves the right to terminate the agreement and remove the signs when, in the sole judgment of the commission, it is found the adopter has not met the terms and conditions of the agreement or there is concern about the safety of the adopters, traveling public or Missouri Highways and Transportation Department (MHTD) employees.]

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed Feb. 8, 2000, effective Feb. 18, 2000, expires Aug. 15, 2000. Amended: Filed July 10, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 7—DEPARTMENT OF [HIGHWAYS AND] TRANSPORTATION

Division 10—Missouri Highways and Transportation Commission

Chapter 14—Adopt-A-Highway Program

PROPOSED AMENDMENT

7 CSR 10-14.050 Sign [Specifications]. The commission proposes to amend this rule to delete the word “Specifications” from the rule heading, amend subsections (1)(A), (1)(B), (1)(C), sections (2) and (3), delete the previous section (4) and add a new section (4).

PURPOSE: This amendment is to clarify the purpose and intent of the adopt-a-highway signs.

(1) The signs shall—

(A) Identify *[and recognize]* the adopter, but are not intended to be, an advertising medium or serve as a means of providing a public forum for the participants;

(B) Be *[designated]* designed by the department *[regarding]* as to size, color, *[location,]* and text; and

(C) Have the actual name of the adopter with no telephone numbers, logos, slogans or addresses, **including internet addresses**, with verbiage kept to a minimum.

(2) The signs shall not contain wording which is obscene, *[or]* profane, **or sexually suggestive** or implies an obscenity, *[or]* profanity **or sexual content.**

(3) The erection of a sign is not a requirement for participation in the program. *[The commission, at their sole discretion, may*

refuse to erect a sign under the program.] If a sign is damaged, destroyed, stolen, or removed from its foundation by an act of vandalism, the department will provide and erect a replacement sign at department cost. If the replacement sign is damaged, destroyed, stolen or removed from its foundation by an act of vandalism, the department will provide and erect one additional replacement sign at department cost. If the second replacement sign is damaged, destroyed, stolen, or removed from its foundation by an act of vandalism, no further sign will be provided or erected.

(4) [The signs cannot be used as a memorial.] Two (2) signs will be erected for each adopter, one at each end of the adopted section, at a location determined by the department.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed Feb. 15, 1995, effective July 30, 1995. Emergency amendment filed July 10, 2000, effective July 20, 2000, expires Nov. 17, 2000. Amended: Filed July 10, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 7—DEPARTMENT OF TRANSPORTATION

Division 10—Missouri Highways and Transportation Commission

Chapter 14—Adopt-A-Highway Program

PROPOSED RULE

7 CSR 10-14.060 Modification or Termination of the Agreement

PURPOSE: This rule provides for the commission to terminate or modify the program agreement.

(1) The agreement may be modified or terminated at the sole discretion of the commission.

(2) The commission reserves the right to terminate the program agreement and remove the signs when, in the sole judgment of the commission, it is found that:

(A) Continuing the agreement would be counterproductive to the program’s purpose, or have undesirable results such as increased litter or vandalism or would jeopardize the safety of the participants, traveling public or department employees;

(B) The adopter is not meeting or has not met the terms and conditions of the agreement or any of the requirements set forth in 7 CSR 10-14.030–7 CSR 10-14.050; or

(C) Actions of the adopter may be contrary to any legislative restrictions or any restrictions on the use of appropriated funds for political activities.

(3) After three years of participation in the program, an adopter may terminate the agreement upon written notice to the commission.

AUTHORITY: section 227.030, RSMo 1994. Original rule filed July 10, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities, including small businesses, more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Department of Transportation, Mari Ann Winters, Secretary to the Commission, P.O. Box 270, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS

Division 5—Administration

Chapter 1—Adaptive Telephone Equipment Program

PROPOSED RESCISSON

8 CSR 5-1.010 Adaptive Telephone Equipment Program. This rule established the standards and procedures for the provision of state-funded adaptive telephone equipment to eligible subscribers. This rule implemented sections 209.251, RSMo through 209.259, RSMo.

PURPOSE: This rule is being rescinded because sections 209.251, RSMo through 209.259, RSMo have been amended. The current statewide equipment distribution program is expanded and program eligibility requirements are changed. The administration of the program was transferred to the Missouri Assistive Technology Advisory Council which has authority to promulgate rules necessary to implement and administer the program.

AUTHORITY: section 286.060, RSMo Supp. 1998. Emergency rule filed Jan. 28, 1999, effective March 1, 1999, expired Aug. 28, 1999. Original rule filed Jan. 28, 1999, effective July 30, 1999. Rescinded: Filed July 10, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Department of Labor and Industrial Relations, Attn: Robert A. Crouch Jr., P.O. Box 59, Jefferson City, MO 65104-0059. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY

Division 45—Missouri Gaming Commission

Chapter 5—Conduct of Gaming

PROPOSED AMENDMENT

11 CSR 45-5.183 Cards—Specifications. The commission is amending section (1).

PURPOSE: This amendment is to allow the commission the discretion to approve gambling games that utilize cards with specifi-

cations that vary from the standard minimum requirements. It also removes antiquated references to Class B licensees.

(1) Unless otherwise approved by the commission, [All] all cards used for gambling games must meet the following specifications:

(F) The design to be placed on the backs of cards used by licensees shall contain the name or trade name of the Class A /or Class B/ licensee where the cards are to be used and shall be submitted to the commission for approval prior to use of such cards in gaming activity;

(H) Nothing in this section shall prohibit decks of cards with one (1) or more jokers contained therein; provided, however, such jokers shall not be used by the Class [B] A licensee in the play of any games other than pai gow poker;

(I) In addition to satisfying the requirements of this section, the cards used by a Class [B] A licensee at poker must—

1. Be visually distinguishable from the cards used by that Class [B] A licensee to play any other table games; and
2. Be made of plastic; and

(J) Each Class [B] A licensee which elects to offer the game of poker shall be required to have and use on a daily basis at least six (6) visually distinguishable card backings for the cards to be used at the game of poker. These card backings may be distinguished, without limitation, by different logos, different colors or different design patterns.

AUTHORITY: sections 313.004, 313.805, 313.830, RSMo 1994 and 313.845, RSMo Supp. [1996] 1999. Original rule filed Dec. 17, 1996, effective Aug. 30, 1997. Amended: Filed July 3, 2000.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than \$500 in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Gaming Commission, 3417 Knipp Drive, P.O. Box 1847, Jefferson City, MO 65102. To be considered, comments must be received within thirty days after publication of this notice in the Missouri Register. A public hearing is scheduled for October 3, 2000 at 10:00 a.m. in the Missouri Gaming Commission hearing room located at 3417 Knipp Drive, Jefferson City, Missouri.

Title 15—ELECTED OFFICIALS

Division 40—State Auditor

Chapter 3—Rules Applying to Political Subdivisions

PROPOSED RESCISSON

15 CSR 40-3.100 Revision of Property Tax Rates by School Districts. This rule applied to school districts and was designed to implement section 137.073, RSMo as it applied to revising property tax rates.

PURPOSE: The state auditor's office is proposing to rescind this rule and propose a new rule in order to comply with provisions of Article X, Section 22 of the Missouri Constitution and section 137.073, RSMo Supp. 1999, as revised by Senate Bill 894, 90th General Assembly, 2000. 15 CSR 40-3.120 will replace 15 CSR 40-3.100 and 15 CSR 40-3.110.

AUTHORITY: section 137.073.6, RSMo 1994. Original rule filed Jan. 3, 1992, effective Aug. 6, 1992. Amended: Filed June 14,

1994, effective Nov. 30, 1994. Emergency amendment filed June 14, 1996, effective June 24, 1996, expired Dec. 20, 1996. Amended: Filed June 14, 1996, effective Nov. 30, 1996. Emergency rescission filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. Rescinded: Filed July 14, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Auditor's Office, 224 State Capitol, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS

Division 40—State Auditor

Chapter 3—Rules Applying to Political Subdivisions

PROPOSED RESCISSON

15 CSR 40-3.110 Revision of Property Tax Rates by Political Subdivisions Other Than School Districts. This rule applied to political subdivisions other than school districts and was designed to implement section 137.073, RSMo as it applied to revising property tax rates.

PURPOSE: The state auditor's office is proposing to rescind this rule and propose a new rule in order to comply with provisions of Article X, Section 22 of the Missouri Constitution and section 137.073, RSMo Supp. 1999, as revised by Senate Bill 894, 90th General Assembly, 2000. 15 CSR 40-3.120 will replace 15 CSR 40-3.100 and 15 CSR 40-3.110.

AUTHORITY: section 137.073.6, RSMo 1994. Original rule filed Jan. 3, 1992, effective Aug. 6, 1992. Amended: Filed June 14, 1994, effective Nov. 30, 1994. Emergency amendment filed June 14, 1996, effective June 24, 1996, expired Dec. 20, 1996. Amended: Filed June 14, 1996, effective Nov. 30, 1996. Emergency rescission filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. Rescinded: Filed July 14, 2000.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Missouri State Auditor's Office, 224 State Capitol, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

Title 15—ELECTED OFFICIALS

Division 40—State Auditor

Chapter 3—Rules Applying to Political Subdivisions

PROPOSED RULE

15 CSR 40-3.120 Calculation and Revision of Property Tax Rates

PURPOSE: This rule applies to all political subdivisions and is designed to implement section 137.073, RSMo as it applies to calculating and revising property tax rates.

(1) The following forms with instructions are available from the State Auditor's Office—Tax Rate Review Section, and have been adopted and approved for use by school districts and all other political subdivisions to compute and substantiate the annual tax rate ceiling(s) pursuant to the requirements of the **Missouri Constitution** Article X, Section 22 and section 137.073, RSMo:

- (A) Tax Rate Summary Page;
- (B) Form A Computation of Reassessment Growth and Rate for Compliance with Article X, Section 22 and Section 137.073;
- (C) Form B New Voter Approved Tax Rate or Tax Rate Increase;
- (D) Form C Debt Service;
- (E) Form G Recoupment for Political Subdivisions.

AUTHORITY: section 137.073.6, RSMo Supp. 1999. A version of this rule was previously filed as 15 CSR 40-3.100 and 15 CSR 40-3.110. Emergency rule filed July 14, 2000, effective July 24, 2000, expires Feb. 22, 2001. Original rule filed July 14, 2000.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than \$500 in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than \$500 in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Missouri State Auditor's Office, 224 State Capitol, Jefferson City, MO 65101. To be considered, comments must be received within thirty days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than 30 days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The 90-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.110 General Prohibitions; Applications is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1385). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.113 Ginseng is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1385–1386). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.115 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1386–1393). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS AND EXPLANATION OF CHANGE: No comments were received during the comment period; however, the rule is reprinted below to correct a typing error in paragraph (1)(B)7. designating dates of November 1 through March 31 for prohibition of public use during the hours of 6:00 p.m. to 6:00 a.m. daily.

3 CSR 10-4.115 Special Regulations for Department Areas

(1) The special regulations in this rule apply on all lands and waters (referred to as areas) owned, leased or managed under formal cooperative agreement by the Department of Conservation. The director may issue temporary written exceptions to provisions of this rule for emergency or special events and for other compatible uses.

(B) Closed Hours. All areas are closed to public use from 10:00 p.m. to 4:00 a.m. daily; however, hunting, fishing, trapping, dog training, camping, launching boats and landing boats are permitted at any time on areas where these activities are authorized, except as further restricted in this rule. Parking or storage of watercraft and commercial vehicles is prohibited during the closed hours.

1. On Blind Pony Lake Conservation Area, Little Dixie Lake Conservation Area and Riverwoods Conservation Area, all public use is prohibited from 10:00 p.m. to 4:00 a.m. daily.

2. On August A. Busch Memorial Wildlife Area, all public use is prohibited from 10:00 p.m. to 6:00 a.m. daily.

3. On Donaldson Point Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the Mississippi River water level is at or above thirty-four feet (34') on the New Madrid gauge.

4. On Seven Island Conservation Area, all public use is prohibited, except fishing and waterfowl hunting by boat only, when the Mississippi River water level is at or above forty-three feet (43') on the Cairo gauge.

5. On Hornersville Swamp Conservation Area, all public use

is prohibited, except fishing and waterfowl hunting by boat only, when the water level is at or above two hundred thirty-nine feet (239') on the Hornersville gauge.

6. On Columbia Bottom Conservation Area, Ronald and Maude Hartell Conservation Area and James A. Reed Memorial Wildlife Area, all public use is prohibited from 10:00 p.m. to 6:00 a.m. daily from April 1 to September 30, and from 7:00 p.m. to 6:00 a.m. daily from October 1 to March 31, except for authorized hunting and fishing activities or as otherwise provided.

7. On Bellefontaine Conservation Area, Conservation Commission Headquarters, Powder Valley Conservation Nature Center and Runge Conservation Nature Center, all public use is prohibited from 8:00 p.m. to 6:00 a.m. daily from April 1 through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 through March 31, except as otherwise provided.

8. On Springfield Conservation Nature Center, all public use is prohibited from 9:00 p.m. to 6:00 a.m. daily from March 1 through October 31, and from 6:00 p.m. to 6:00 a.m. daily from November 1 through February 28, except that specifically authorized meetings, programs and special events are permitted at any time on the area.

9. On Rockwoods Range and Rockwoods Reservation, all public use is prohibited from one-half (1/2) hour after sunset to sunrise daily.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.215 Permits and Privileges: How Obtained; Not Transferable **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1396). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 4—Wildlife Code: General Provisions

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-4.116 Special Regulations for Areas Owned by Other Entities **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1393–1396). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-5.205 Permits Required; Exceptions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1396). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 5—Wildlife Code: Permits for Hunting,
Fishing, Trapping

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-5.535 White River Border Lakes Permit **is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1397–1398). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.405 General Provisions **is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1399). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.410 Fishing Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1399–1400). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.415 Restricted Zones is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1400–1401). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.505 Black Bass is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1401–1402). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.510 Channel Catfish, Blue Catfish, Flathead Catfish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1402). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.525 Paddlefish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1402). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.530 Rock Bass (goggle-eye) and Warmouth is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1402). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.535 Trout is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1402–1403). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.545 White Bass, Yellow Bass, Striped Bass is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1403). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.550 Other Fish is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1403–1404). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 6—Wildlife Code: Sport Fishing: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-6.615 Bullfrogs and Green Frogs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1404). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons,
Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.410 Hunting Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1404). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods,
Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.415 Quail: Seasons, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1404–1405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.417 Ruffed Grouse: Seasons, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.420 Rabbits: Seasons, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.425 Squirrels: Seasons, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1405). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.430 Pheasants: Seasons, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1405–1406). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.440 is amended.

This amendment relates to hunting seasons and limits and is excepted by section 536.021, RSMo from the requirement for filing as a proposed amendment.

The Department of Conservation amended 3 CSR 10-7.440 by establishing seasons and limits for hunting migratory waterfowl during the 2000 seasons.

3 CSR 10-7.440 Migratory Game Birds and Waterfowl: Seasons, Limits

PURPOSE: This order changes the season hunting dates for blue-winged, green-winged and cinnamon teal. The Department of Conservation is authorized to select waterfowl hunting season dates and bag limits within frameworks established by the U.S. Fish and Wildlife Service. The seasons and limits selected are intended to provide optimum hunting opportunity consistent with the welfare of the species.

(1) Migratory game birds and waterfowl may be taken, possessed, transported and stored as provided in federal regulations. The head or one (1) fully feathered wing must remain attached to all waterfowl while being transported from the field to one's home or a commercial preservation facility. Seasons and limits are as follows:

(E) Blue-winged, green-winged and cinnamon teal may be taken from sunrise to sunset from September 9 to September 24. Limits: four (4) teal in the aggregate of species daily; eight (8) in possession.

SUMMARY OF COMMENTS: Seasons and limits are excepted from the requirement for filing as a proposed amendment under section 536.021, RSMo.

This amendment filed July 6, 2000, effective **August 1, 2000**.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.441 Crows: Seasons, Methods Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1406). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.445 Bullfrogs: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1406). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.450 Furbearers: Hunting Seasons, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1406–1407). No changes have been made in

the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 7—Wildlife Code: Hunting: Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-7.455 Turkeys: Seasons, Methods, Limits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1407). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.110 General Prohibition; Applications is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1407–1408). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife: Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.230 Class I Wildlife is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1408). No changes have been made in the text

of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.420 Wildlife Hobby Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1408–1409). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.625 Field and Retriever Trial Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1409). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-9.627 Dog Training Area Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1409). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-9.640 Licensed Trout Fishing Area Permit is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1410–1411). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **July 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 9—Wildlife Code: Confined Wildlife:
Privileges, Permits, Standards

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission adopts a rule as follows:

3 CSR 10-9.645 Licensed Trout Fishing Area Permit: Privileges, Requirements is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1412). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.707 Fur Dealer's Permit is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1412). No changes have been made in the text

of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 10—Wildlife Code: Commercial Permits:
Seasons, Methods, Limits

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-10.782 Commercial Musseling: Seasons, Methods is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1412–1413). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 3—DEPARTMENT OF CONSERVATION
Division 10—Conservation Commission
Chapter 11—Wildlife Code: Definitions

ORDER OF RULEMAKING

By the authority vested in the Conservation Commission under sections 40 and 45 of Art. IV, Mo. Const., the commission amends a rule as follows:

3 CSR 10-11.805 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on June 1, 2000 (25 MoReg 1413–1414). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective **March 1, 2001**.

SUMMARY OF COMMENTS: No comments were received during the comment period.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.257 and 324.265, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-1.010 is adopted.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 795). The sections with changes are reprinted here.

This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received twenty-four (24) comments on this proposed rule.

COMMENT: Linda Mayhugh submitted a comment in support of the proposed rules and thanked the board for their hard work.

RESPONSE: The board appreciates the comment.

COMMENT: Katherine Miranti requested the board exempt by rule the requirements for Certified Infant Massage Instructors (CIMIs) and Instructor Trainers (ITs) with the International Association of Infant Massage (IAIM) and the International Institute of Infant Massage (IIIM) from the requirements governing certified mentors and instructors. Ms. Miranti further requested that CIMIs and ITs with those organizations who are not massage therapists be exempted by rule and that CIMIs who practice in a neonatal intensive care unit be required to receive additional training beyond the base certification offered by IAIM and IIIM.

RESPONSE: The board disagrees. The board lacks authority to address this issue because it is beyond the scope of the statute.

COMMENT: Katherine Miranti stated that it might benefit and protect the public if the board develops rules governing research being conducted by massage therapists or by others who employ massage therapists in their research.

RESPONSE: The board may consider this subject for future rule-making.

COMMENT: Katherine Miranti stated that it might benefit both the regulated community and the public if the board would make a citation/reference to state laws and rules governing medical records and financial disclosures.

RESPONSE: The board disagrees. The board has addressed confidentiality of medical and financial records in its rules, however, other state laws may be applicable to the profession.

COMMENT: Katherine Miranti suggested the board require that a massage therapist disclose which of his/her modalities are governed under Chapter 334, RSMo and 4 CSR 197, as part of receiving informed consent. This will be particularly important in managing complaints and in managing insurance and other first and third party claim filings.

RESPONSE: The board has decided not to mandate such disclosure at this time, however, will leave such disclosure to the discretion of the massage therapist.

COMMENT: Katherine Miranti suggested that board have a section or a rule outlining massage therapists rights and responsibilities with regard to submitting confidential business information, which should include how to assert a request for protection from disclosure, how the information will be handled in closed session, and how or when it can be transferred to other people or made open. This is a competitive endeavor, particularly when a therapist has been able to develop a new market and does not wish to be undermined by a fast second.

RESPONSE: The board disagrees. Individual information about applicants is subject to the provisions of section 620.010.14(7), RSMo and is not addressed by these rules.

COMMENT: Dorothy Harper suggested that reflexology be licensed by itself.

COMMENT: Jan Harcourt submitted comments stating the Polarity Therapy is a complete system of care with its own standards for practice and education. The American Polarity Therapy Association certifies and sets standards of practice for polarity practitioners. Ms. Harcourt suggested polarity therapy and other energy bodywork modalities affecting human energy system be specifically excluded from the regulations of Missouri massage therapy law.

RESPONSE: The board disagrees. Certain modalities are exempted from the massage therapy law in sections 324.265.7(2), (3), and (4), RSMo Supp. 1999. If these modalities fall within the statutory exemption, then the rules and regulations do not apply. If, however, the practice of these modalities fall within the definition of massage therapy as defined in section 324.240(7), RSMo Supp. 1999, then such practice would be governed by the rules and regulations.

COMMENT: Kim Coleman submitted comments expressing concern regarding estheticians being able to perform massage therapy since their training doesn't adequately address the specific needs of the massage therapy profession.

RESPONSE: The board disagrees. This subject is governed by section 324.265.7(1), RSMo Supp. 1999 not by rule and is beyond the scope of authority of the board. Furthermore, the use of the title "massage therapist" or "licensed massage therapist" is restricted pursuant to section 324.270, RSMo Supp. 1999.

COMMENT: Mark Knapp submitted comments regarding various points of the law, stating that such phrases as "deemed by the board" is a potential conflict of interest and suggested that enforcement be the responsibility of the Attorney General's Office.

COMMENT: Paul Steingruber submitted general comments stating the proposed rules are excessive, at times punitive to the practicing massage therapist, and written primarily for a clinical/medical setting.

RESPONSE: The board disagrees as the comment does not relate to a proposed rule. The wording is taken from section 324.245, RSMo Supp. 1999.

COMMENT: Sid Wasserman and Phyllis Riggs submitted comments opposing the board's use of the word "treatment" stating that it implies that massage therapists are medical professionals that can diagnosis and treat.

RESPONSE: The board disagrees. The use of the word treatment is consistent with section 324.240(7), RSMo Supp. 1999. Diagnosis is not authorized by section 324.240(7), RSMo Supp. 1999.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the board include in the original purpose statement the phrase "or body somatic practitioner" after the words "massage therapy".

RESPONSE: The board disagrees. The statutory title of the profession is massage therapist, however, an individual may use any appropriate titles for which they are credentialed.

COMMENT: Sid Wasserman, Phyllis Riggs and Paul Steingruber commented that the term "client" as defined in section (1) should be defined by the therapist or business.

RESPONSE: The board disagrees. In the interest of public safety, the board determined it appropriate to define the term "client" in the rules.

COMMENT: Christopher D. Green and Cynthia Hughes commented on section (3) of the rule stating that while the intent is

correct, if the law is interpreted literally, schools would have to assign an instructor any time a student performs any type of massage. The words "either" and "or" should be inserted so the definition is defined as either the control, direction, instruction or regulation of a student at all times.

RESPONSE: The board disagrees. In the interest of public safety, the rule as written will ensure that an instructor is on site, however, one on one instruction is not required. See 4 CSR 197-2.040(8).

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association suggested that direct supervision in section (3) be defined as the control, direction, instruction and regulation of a student at all times by an approved instructor. The language as written could allow for a loophole in which schools could choose to use unqualified persons such as other students or staff to supervise students. This situation may arise particularly in a clinic setting where it might be less expensive to have someone other than an instructor provide supervision.

RESPONSE: The board disagrees. The board determined that the definition of direct supervision as well as board rules, 4 CSR 197-2.040(5) and 4 CSR 197-2.010(2)(C)4.A., B., C., and D., address the issue.

COMMENT: Christopher D. Green and Cynthia Hughes commented on section (4) of the rule stating that universal precautions as defined by the Center for Disease Control (CDC) are justifiable to some degree. The CDC has established strict requirements that are understandable for major healthcare facilities dealing with many injuries and constant exposure to potential hazard. However, these types of precautions are not viable for schools or an individual practitioner. Mr. Green suggested that clarification be added to this rule specifically defining what the precautions consist of and precisely how they should be implemented in the field of massage.

COMMENT: Willie Morgan submitted comments opposing the inclusion of section (4) stating the CDC guidelines are concerned with needle sticks and contact with large amounts of body fluids.

RESPONSE: The board disagrees. In the interest of public safety, the board determined that the definition of universal precautions is appropriate to the practice of massage therapy as defined by section 324.240(7), RSMo Supp. 1999.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested clarification and examples of the phrase "statistically valid examination on therapeutic massage and bodywork" as required in several sections of 4 CSR 197-2.010.

RESPONSE AND EXPLANATION OF CHANGE: In response to the comment to proposed rule 4 CSR 197-2.010 the term "statistically valid examination" has been added to the definitions in 4 CSR 197-1.010.

4 CSR 197-1.010 Definitions

(4) "Statistically valid examination" is defined as an examination that has been validated by an unbiased third party such as a nationally recognized testing company or by a professional psychometrist whose credentials are acceptable to the board. The examination shall be based on a job analysis and expert judgement, which identifies a minimum level of competency to perform massage therapy and then tests only subjects judged as most important for beginning licensees to know.

(5) "Universal precautions" is an approach to infection control as defined by the Center for Disease Control (CDC). According to the concept of universal precautions, all human blood and certain

body fluids are treated as if known to be infectious for Human Immunodeficiency Virus (HIV), Hepatitis B Virus (HBV), and other blood borne pathogens.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.245, and 324.270, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-1.020 Titling is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 795). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. No comments were received on this rule. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received two (2) comments on this proposed rule.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the board include in section (1) the phrase “or BSP (Body Somatic Practitioner)” after the term “LMT.”

COMMENT: Roger Wienerth suggested the board expand the title of massage therapist to massage/bodywork therapist and license individuals under the title “Licensed Bodywork Therapist.”

RESPONSE: The board disagrees. The board lacks authority to address this issue because it is governed by the statute. However, individuals may use additional titles for which they are appropriately credentialed.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.250, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-1.030 Name and Address Changes for Individuals

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 795–799). The title with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on

May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received one (1) comment on the proposed rule.

COMMENT: Katherine Miranti requested clarification of section (2) questioning whether legal name refers to the registered doing business as (dba) name, to the individual’s personal name or names, or to either or both. Ms. Miranti suggested that the board also require that a copy of all dba’s that are registered with the Secretary of State to be included with the application packet.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees with the first part of the comment and has changed the title of the rule to read “Name and Address Changes for Individuals.”

4 CSR 197-1.030 Name and Address Changes for Individuals

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 1—General Rules

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.247, 324.250, 324.252, 324.265 and 324.267, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-1.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 800). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on this proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received twenty-one (21) comments on this proposed rule.

COMMENT: Katherine Miranti suggested the words “business organization check” be inserted between the words “cashier’s check and personal check” in section (1). This will allow institutions and entities that are not sole proprietorships to follow standard accounting recommendations of the Internal Revenue Service (IRS) and other revenue managers.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and incorporates the words “business check” in section (1) of the rule.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the cost of the criminal background check be included in this rule.

RESPONSE AND EXPLANATION OF CHANGE: The cost of the criminal background check is the fingerprinting fee. However, for clarification, the board amended the rule to replace “fingerprinting fee” with “criminal background check fee.”

COMMENT: Christopher D. Green and Cynthia Hughes submitted comments regarding subsection (1)(A) questioning whether the state business license fee overrode local municipality fees or if it

is in addition to; does the state law override local ordinances where massage or working on the opposite sex is considered illegal; in areas where prohibited, will out call or home massage business be allowed; and are local business ordinances superceded or added to?

RESPONSE: The comment does not address the rule, rather, seeks clarification of the statute. The board directs Mr. Green and Ms. Hughes to section 324.272, RSMo Supp. 1999.

COMMENT: Helen Kersey and Katherine Miranti stated that the fees established in section (3) are too high.

COMMENT: Kathleen Crawford commented that the fee established in subsection (3)(I) is too high and suggested that the fee be set between \$50-\$75.

COMMENT: Connie Brown, Jane Case, Kathleen Crawford, Christopher D. Green, Helen Kersey, Phyllis Riggs, Paul Steingruber, and Sid Wasserman commented that the fee established in subsection (3)(J) is high compared to other professions.

RESPONSE: The board disagrees. The fees were set to accommodate the projected costs of administration of the board based on the estimated number of massage therapists in this state. The fees are biennial, therefore, the application and renewal fees are \$75.00 for individual licenses and \$25.00 for business licenses per year.

COMMENT: Kathleen Crawford and Brenda Boyd commented that the fee established in subsection (3)(O) should not be included in the massage therapy profession. Fingerprinting stigmatizes massage therapists and discriminates against the profession. They questioned which other healthcare professions are required to be fingerprinted in order to work in their field.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.267, RSMo Supp. 1999 which requires the criminal background check. In addition, section 43.543 (which passed in 1993) allows any agency listed in section 621.045 to do fingerprinting, if warranted. The following boards are listed in section 621.045, RSMo: Accountancy; Architects, Professional Engineers, and Land Surveyors; Barber; Cosmetology; Chiropractic Examiners; Podiatry; Dental; Embalmers; Healing Arts; Nursing; Optometry; Pharmacy; Real Estate; and Veterinary. Currently, the State Board of Chiropractic Examiners, State Board of Nursing, State Board of Optometry and the State Board of Pharmacy perform fingerprinting.

COMMENT: Christopher D. Green commented on subsection (3)(L). Mr. Green suggested since the purpose of this fee is to allow graduate students to practice until they can take the test or their license is approved, this fee should be applied to the final license cost.

RESPONSE: The board disagrees. The fees were set to accommodate the projected cost of administration of issuing the provisional license.

COMMENT: Kathleen Crawford suggested that subsection (3)(Q) be deleted and suggested that students only be licensed when they complete their training.

COMMENT: Christopher D. Green commented on subsection (3)(Q). Since students are not allowed to charge for services or can only represent themselves as student practitioners, Mr. Green questioned the intent of the fee. Mr. Green further questioned the processing time frame of the student license stating that most schools do not assign outside massage until the second semester. He further stated that unless the turnaround time is less than one week, the students would not receive their license in time to complete massages.

COMMENT: Barbara Simon of Missouri College and Cynthia Hughes stated that subsection (3)(Q) is unclear in its intent. Ms. Simon stated that the procedure for applying for and canceling student licenses creates an additional workload on the training insti-

tutions. Clarification was requested regarding the processing and time frame for the processing, stating that more than a two-week processing time would make it impossible for students to complete the schools clinical requirement.

RESPONSE: The Board lacks authority to address this issue because it is governed by section 324.265.5, RSMo Supp. 1999. The board did, however, note that the administration of this rule will be in a timely manner.

4 CSR 197-1.040 Fees

(1) All fees shall be paid by cashier's check, personal check, business check, money order, or other method approved by the division and must be made payable to the Board of Therapeutic Massage.

(3) The fees are established as follows:

(O) Criminal Background Check Fee	\$23.00
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Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 197—Board of Therapeutic Massage

Chapter 2—Massage Therapist Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.243, 324.245, 324.265, 324.267 and 324.270, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-2.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 800-805). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received ninety-two (92) comments on this proposed rule.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested clarification and examples of the phrase "statistically valid examination on therapeutic massage and bodywork" as required in several sections of this rule.

COMMENT: Brad Potter submitted comments questioning whether the National Certification Board of Therapeutic Massage and Bodywork and the National Certification Commission for Acupuncture and Oriental Medicine are private or governmental agencies. Mr. Potter further questioned why the board is relinquishing its testing and competency authority to out-of-state organizations. Mr. Potter stated that if a testing requirement is to be a part of the bill, the board should be the entity to define the requirements and administer the tests. There are no national standards approved by any federal government agency or rule of law, therefore, standards and practice rules and regulations are in their infancy. A certification test should be created that can be used to test therapists coming from outside Missouri. It could also be given to graduates of authorized schools and/or mentor programs. The use of a standardized test could be used in place of most of the grandfathering clauses as well.

RESPONSE: The board will consider any statistically valid exam-

ination presented for approval. In addition, the term "statistically valid examination" has been added to the definitions in 4 CSR 197-1.010.

COMMENT: Teresa Gray, Mark Knapp and Willie Morgan submitted comments opposing the inclusion of a massage therapist's home address on the application stating that this could put therapists in a compromising situation with some clients.

RESPONSE: The board disagrees. This is standard procedure for professions licensed in the State of Missouri.

COMMENT: Teresa Orler requested that the board consider requiring a TB test since it is a requirement in many licensing states.

RESPONSE: The board lacks authority to address this issue because it is beyond the scope of the statute.

COMMENT: Jane Case submitted comments opposing the fingerprinting requirement as established in subsections (1)(B) and (2)(B) and in paragraphs (3)(A)2., (3)(B)2., (3)(C)2., (4)(A)2., and (4)(B)2. and suggested that each town or county be responsible for it.

COMMENT: Connie Brown, Bo Burnett, Dorothy Harper, Helen Kersey, Louise Fillinger, Phyllis Riggs, Paul Steingraby and Sid Wasserman, submitted comments opposing the fingerprinting requirement and questioned if other professions are held to such requirements.

COMMENT: Janet Johnson submitted comments concerning the fingerprinting requirements questioning why this requirement is necessary since massage therapists are governed by the State Board of Registration for the Healing Arts. Ms. Johnson has worked as a medical social worker and has never heard of anyone in the healing profession being obligated in this fashion. Ms. Johnson stated it appears that the state or the board is questioning the integrity of massage therapy as a legitimate profession.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.267, RSMo Supp. 1999 which requires the criminal background check. In addition, section 43.543 (which passed in 1993) allows any agency listed in section 621.045, RSMo to do fingerprinting, if warranted. The following boards are listed in section 621.045, RSMo: Accountancy; Architects, Professional Engineers, and Land Surveyors; Barber; Cosmetology; Chiropractic Examiners; Podiatry; Dental; Embalmers; Healing Arts; Nursing; Optometry; Pharmacy; Real Estate; and Veterinary. Currently, the State Board of Chiropractic Examiners, State Board of Nursing, State Board of Optometry and the State Board of Pharmacy perform fingerprinting.

COMMENT: Willie Morgan submitted comments regarding the fingerprinting requirements and questioned the number of prints to be submitted. Mr. Morgan questioned how the board will handle positive background checks and if the massage therapist will have the opportunity to respond to the background check.

RESPONSE: This comment does not address a specific issue in the rule, rather seeks clarification of administrative procedures. The agencies that perform the criminal background check require two (2) sets of fingerprints be submitted. If a positive criminal background check is received, the board will review it at that time.

COMMENT: Esteban A. Ruvalcaba of the Missouri Chapter American Massage Therapy Association commented that subparagraph (1)(C)4.A., as it reads now, individuals who receive a license by grandfathering may only have one hundred (100) hours of training or less to teach. One hundred (100) hours is not a high enough minimum standard to ensure quality education. It is reasonable to require those who want to teach others to have accumulated at least five hundred (500) hours of training or its equivalent. However, the five hundred (500) hours do not necessarily

have to match the curriculum.

COMMENT: Terrie Yardley-Nohr submitted comments regarding subparagraph (1)(C)4.A. stating that a small number of schools are using or hiring instructors that have practiced for two (2) years but may only have one hundred to two hundred (100-200) hours of training. Many times this training has not included any anatomy, physiology, or pathology. As instructor, Ms. Yardley-Nohr feels that these areas are critical for an instructor of massage therapy to know before even a beginning level of class. Ms. Yardley-Nohr suggested that instructors have at least five hundred (500) hours of education before teaching massage theory and techniques to include the above subjects, practiced professionally for two (2) years and be approved by the Coordinating Board of Higher Education.

COMMENT: Kim Coleman submitted comments regarding subparagraph (1)(C)4.A. stating that she was concerned about being limited in her instructor field. She has a Master's Degree of Education and ten (10) years of massage therapy practice in addition to over three (3) years of instruction/training. She is also an anatomy and physiology instructor and does not want be limited because her degree does not seem to be related. Ms. Coleman asked how instructor credentialing issues fit under the board's regulation.

RESPONSE: The board disagrees. The grandfather provisions were established by section 324.265, RSMo Supp. 1999 and the rules were designed to establish the guidelines for implementation, not to discriminate between someone who obtained licensure through grandfathering provisions and someone who obtained licensure through regular application.

COMMENT: Laura Elmore submitted comments supporting the one hundred (100) clock hours as required in subsections (1)(C) and (2)(C) but opposes the requirement for an instructor to hold a bachelor's degree. Ms. Elmore stated that the instructor may hold a bachelor's in anatomy but may not have any idea how to apply it to bodywork. There are many individuals who have not been taught by someone with this status and will be affected by this requirement.

COMMENT: Esteban A. Ruvalcaba of the Missouri Chapter American Massage Therapy Association submitted comments regarding subparagraph (1)(C)4.B. stating that massage therapy is all about anatomy. While regular textbook anatomy is necessary and valuable and should be a part of the curriculum, knowledge of musculoskeletal anatomy and physiology, neuromuscular anatomy and physiology and kinesiology is most relevant and crucial to a massage therapist. It is necessary that therapists have a thorough knowledge of muscle origins and insertions, including skill in palpating those muscles on a real person. It is important that therapists have at least a basic understanding of which muscles are involved in which movements of the body. Mr. Ruvalcaba stated that the association would argue that many potential teachers who may not hold a bachelor's degree or higher in a field related to anatomy and physiology may actually be more qualified to teach the specialized type of anatomy and physiology that massage therapists need than a person who has degree. Mr. Ruvalcaba suggested that this subparagraph be amended as follows: "One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by an instructor who holds a bachelor's degree or higher in a field related to anatomy and physiology or who possesses comparable education and experience in anatomy and physiology and advanced anatomically oriented soft tissue therapy techniques."

COMMENT: Katherine Miranti suggested that subparagraph (1)(C)4.B. be amended to include instructors who are not massage therapists, even if they hold bachelor's degrees in both anatomy and physiology.

COMMENT: Laura Elmore stated that she has a hard time dealing with the idea of an anatomy instructor having a Bachelor's of

Science in Anatomy. Anatomy in the sense of bodywork and massage is a little bit different than how you're going to learn it at any college in terms of learning it as a doctor. Ms. Elmore questioned why an instructor is going to need that much time and energy related to something that may not be what they're teaching to their students.

COMMENT: Katherine Miranti submitted comments regarding subparagraph (1)(C)4.B. requiring a bachelor's degree in anatomy and physiology rather than anatomy or physiology would cause undue hardship on the schools. This requirement is not necessary and is not consistent with the balance of the curricular needs. Ms. Miranti suggested that the board allow the Coordinating Board of Higher Education (CBHE) to make decisions about curricula and instructors qualifications.

RESPONSE AND EXPLANATION OF CHANGE: In the interest of public safety, the board believes it is prudent to require the instructor of the anatomy and physiology to hold a bachelor's degree or higher in a field related to anatomy and physiology and not require the instructor to be a massage therapist. However, for clarification the board amended subparagraphs (1)(C)4.B. and (2)(C)4.B.

COMMENT: Teresa Orler commented on subparagraphs (1)(C)4.A. and (1)(C)4.B. stating that these rules require that a student receive three hundred (300) clock hours of massage theory and practice techniques. However, no mention is made as to where the massage theories and practice techniques originate or what they are to include or consist of and no test is being made available that will confirm the qualifications of the instructor of these theories and techniques. However, the rules require that the student receive one hundred (100) hours of training in anatomy and physiology by someone who holds a bachelor's degree or higher. Massage therapists are not expected to provide rehabilitation nor are they expected to provide exercise, prevent disability, restore function, motion, or strength as this is the privilege and responsibility of a massage therapist. Ms. Orler suggested that more emphasis be placed on theory and practice and less on anatomy and physiology.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265.1(2), RSMo Supp. 1999.

COMMENT: Cynthia Hughes submitted a comment regarding subparagraph (1)(C)4.C. questioning what the state considers documentable experience in the field of business practices, professional ethics, hygiene and massage law. Ms. Hughes states the requirements of this subparagraph are vague, undefined and need clarification so that students will not be disadvantaged by having instructors that the state does not consider qualified.

COMMENT: Christopher D. Green commented that the requirements of subparagraph (1)(C)4.C. are vague, undefined and need clarification so students will not be disadvantaged by having instructors the state does not consider qualified. Mr. Green also commented that subsection (3)(C) needs to be specific so that students do not waste time and money taking courses from non-approved schools. Mr. Green also commented that the requirements of subsection (4)C. are vague, undefined and needs clarification so that students will not be disadvantaged by having instructors the state does not consider qualified.

RESPONSE: The board disagrees. Pursuant to 4 CSR 197-2.010(1) and (2), a school certified by the Coordinating Board for Higher Education or a certified mentor program approved by the board are approved massage therapy programs. The certification or approval includes review of instructors and curriculum.

COMMENT: Esteban A. Ruvalcaba of the Missouri Chapter American Massage Therapy Association submitted comments regarding subparagraphs (1)(C)4.C. and (2)(C)4.B., stating that

the instructor qualifications seem vague. Mr. Ruvalcaba stated education would be as valuable as experience. Mr. Ruvalcaba suggested that the subparagraphs be amended to state: "Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri provided by an instructor who demonstrates documentable education/experience in a related field."

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends sections (1) and (2) of the proposed rule.

COMMENT: Katherine Miranti submitted comments regarding subparagraph (1)(C)4.D. stating that it is imperative that all massage therapists be required to obtain and maintain these credentials especially if they receive medical referrals and prescriptions and/or work with certain populations. However, in some areas of the state training for CPR and first aid are very difficult to receive. Ms. Miranti further stated that just because some therapists hold certification in either or both does not mean that he/she is recognized by anyone as being qualified to teach it. The instructor should be taught how to teach by associations known for and experienced in teaching these classes.

COMMENT: Esteban A. Ruvalcaba of the Missouri Chapter American Massage Therapy Association submitted comments regarding subparagraphs (1)(C)4.D., (2)(C)4.C., and (2)(C)4.D., stating that the instructor qualifications seem vague and education would be as valuable as experience. Mr. Ruvalcaba suggested that the subparagraphs be amended to state: "Fifty (50) clock hours dedicated to ancillary therapies provided by an instructor who demonstrates documentable experience in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective certification."

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends sections (1) and (2) of the proposed rule.

COMMENT: Terrie Yardley-Nohr submitted comments regarding subparagraphs (1)(C)4.D., (2)(C)4.C., and (2)(C)4.D., stating this is an area of concern. Ms. Yardley-Nohr stated the instructor needs to be approved by the Coordinating Board of Higher Education (CBHE). She suggested that the rule read "documentable experience/education in the courses in which they are instructing." Students do not know their education is not sufficient until they have graduated and try to practice. Ms. Yardley-Nohr also suggested that instructors be required to have background checks as required of all massage therapists.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees with the first part of this comment and amends sections (1) and (2) of the rule. Criminal background checks are not authorized under section 324.267, RSMo Supp. 1999, therefore, this issue is not addressed by the board.

COMMENT: Teresa Gray and Linda Mayhugh suggested that individuals who are nationally certified through the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB) be automatically licensed by the board. Ms. Gray cited the NCBTMB requirements specify schooling hours and a breakdown of certain studies, therefore, those requirements should qualify an individual for state licensure.

RESPONSE: The board lacks authority to address this issue because it is beyond the scope of the statute. Section 324.265, RSMo Supp. 1999 outlines the qualifications of applicants.

COMMENT: Dorothy Harper suggested that the board pay attention to the therapist's different fields of therapy stating that one (1) test for everyone is not appropriate.

COMMENT: Roger Wiener suggested the board expand the testing and licensing requirements to include the Heller-work/Rolfing/Feldenkrais/Alexander Technique.

COMMENT: Kathleen Crawford submitted comments on sections (1)(D) and (2)(D) and paragraph (3)(A)3. questioning why individuals are being required to take the national exam and suggested that the board accept a school final exam or state of Missouri develop an exam to keep money in Missouri.

COMMENT: Teresa Orler submitted comments regarding sections (1)(D) and (2)(D) and paragraph (3)(A)3. stating that taking the NCBTMB examination without a practical examination does not provide an adequate measure of competency and suggested that the board devise its own examination, which includes a written and practical examination. Devising a written and practical examination for therapists and instructors is in the best interest of the state financially and would ensure a standard of excellence not being met by the NCBTMB. This would also eliminate the necessity of an instructor who hold a bachelor's degree or higher.

COMMENT: Laura Elmore requested clarification from the board regarding whether the state was going to offer an exam that included a practical exam.

COMMENT: Kirby Holbrook, SOMA Wellness Center, commented on subsection (1)(D). Mr. Holbrook cited that the statute states the state examination may consist of school examinations and stated that individuals completing a five hundred (500) hour course should not have to pay to take a national exam if they have successfully completed the exams in their course of study.

COMMENT: Katherine Miranti submitted comments regarding subsection (1)(D) stating group testing and accreditation standards involve more than simple statistical validity, at the very least, they should require statistical reliability. Ms. Miranti suggested the board amend paragraph (1)(D)3. by deleting the word "appropriate" and inserting "substantially equivalent" since "appropriate" is an ambiguous term.

COMMENT: Christopher D. Green, Sid Wasserman and Phyllis Riggs submitted comments regarding the requirements of paragraph (1)(D)3. questioning what the board considers an appropriate examination, what the guidelines and test criteria are, and who may administer the test.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested clarification of the phrase "an examination deemed appropriate by the board" in paragraph (1)(D)3. Since the coursework of Midwest Institute of Bodywork and Somatic Therapy differs substantially from that offered by massage therapy schools in state of Missouri, they asked if an examination structured by Midwest Institute of Bodywork and Somatic Therapy and approved by the board could be used to test body somatic practitioners in lieu of the examination proposed by the board?

RESPONSE: The board has recognized two examinations and will consider any other statistically valid examination presented to the board for approval.

COMMENT: Margretha Koehn and Rita Paul submitted comments suggesting that section (3) be rewritten to allow individuals to be grandfathered with five hundred (500) hours of training and that four hundred fifty (450) hours need not to be over a three (3) year time frame.

COMMENT: Brad Potter stated the one hundred fifty (150) hour requirement of paragraph (3)(A), (3)(B), and (3)(C) is unworkable.

COMMENT: Eydie Sausville suggested the requirements of paragraph (3)(A)3., (3)(B)3., and (3)(C)3. be reduced to one hundred (100) hours.

RESPONSE: The board disagrees and has deemed one hundred fifty (150) hours to be reasonable. The rule defines maintenance of a practice as at least one hundred fifty (150) hours for three (3) years out of a five (5)-year period.

COMMENT: Denise Horton submitted comments regarding section (3) of the rules. Ms. Horton suggested that individuals with five hundred (500) hours of formal education be included regardless of experience. Ms. Horton stated that these individuals have

more than enough clock hours which include hands-on-experience through assigned required massages, practicals and supervisorys.

COMMENT: Michael and Lisa Talcott submitted comments regarding the requirement of section (3) and requested that nurses prior to 1988 or 1990 with an accredited Swedish course be grandfathered in Missouri.

COMMENT: Karen Baudrexel requested that nurses be grandfathered based on their nursing education and experience.

COMMENT: Chuck Apels stated that individuals who went to school less than five hundred (500) hours prior to 1999 should be grandfathered.

COMMENT: Connie Brown, Phyllis Riggs and Sid Wasserman submitted a comment opposing section (3) stating that the grandfather process seems to penalize those who have been trained and working before the law was passed.

COMMENT: Eydie Sausville submitted a comment suggesting that anyone with one (1) year experience be grandfathered.

COMMENT: Helen Kersey submitted comments suggesting that anyone in business prior to 1998 be grandfathered since there were no laws regulating massage therapy at that time.

COMMENT: Debra J. Pugh submitted a comment requesting inclusion in the requirement of section (3). Ms. Pugh has been practicing since November 1996, has five hundred (500) hours of training, continuing education, and is a licensed practical nurse.

COMMENTS: Brenda Boyd submitted comments stating that several therapists in the Joplin area are good therapists and have no schooling and requested to know how they will fit in the rules.

COMMENT: Dana Dorsey stated that she graduated from a six hundred hour (600) state board approved school and has been practicing for two (2) years and is questioning why she would be required to take the upcoming Missouri examination.

COMMENT: Angel Stahr submitted comments requesting the board accommodate therapists on a case by case basis. Ms. Stahr received one hundred (100) hours of certification in December 1996 and has been in practice as a massage therapist since that time. Ms. Stahr has completed one hundred twenty (120) hours of anatomy and physiology in addition to over one hundred twenty (120) hours of various massage courses. Ms. Stahr stated that completing another one hundred (100) hours of training, as required by law, would be redundant, especially the twenty-five (25) hours of anatomy and physiology. Ms. Stahr stated that she intends to take the national examination, however, would not benefit under the proposed rule.

COMMENT: Janet Johnson submitted comments requesting inclusion in the grandfathering requirements of section (3). Ms. Johnson began working as a massage therapist in January 1997 which places her short four (4) months in meeting the requirements. Ms. Johnson states that she attended school in Missouri and obtained five hundred (500) hours of credit, but since there were no guidelines at the time the school held no state certification. Ms. Johnson stated that it is her understanding that an individual cannot be punished for a crime committed before the act was passed into law. There seems to be an analogy saying that a school should have met specific requirements before they were passed into law in order for the students to be grandfathered. This seems unfair in contrast to individuals who made no attempt to obtain formal education but who become automatically accepted based upon a few more months of working in massage therapy as an occupation.

COMMENT: Brad Potter submitted comments requesting inclusion in the grandfathering requirements of section (3). Mr. Potter states that he does not qualify for a grandfathering waiver and suggests that the ten (10) year requirement be lowered to five (5) years.

COMMENT: Mary L. Lawrence requested the board reconsider the requirements of section (3) to either grandfather in individuals who hold an existing license and current employment; take into account the number of hours of massage experience for those who fall short of the three (3) year requirement; hear cases on individ-

ual basis if individuals fall short of the requirements; or provide student status that would allow individuals to continue to work while obtaining the required education. Ms. Lawrence submitted the signatures of forty-one (41) individuals supporting the change of the grandfathering requirements. Camilla Lawrence and Genie Hecker also submitted letters of support for Mary L. Lawrence.

COMMENT: Paul Steingruber submitted comments regarding section (3) questioning why practice time prior to August 28, 1999 counts as experience and not as experience for the time practiced until August 28, 2000 or until the actual time of license issued. Mr. Steingruber inquired how the board plans to test for hands-on competence and how the board will assess the character and basic morality of the therapist.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265, RSMo Supp. 1999.

COMMENT: Sid Wasserman, Phyllis Riggs and Paul Steingruber submitted comments regarding section (3) questioning why one (1) or two (2) forms of documentation is not adequate.

RESPONSE AND EXPLANATION OF CHANGE: The rule does not require all documents be submitted but rather allows the applicant a variety of methods of documenting ten (10) years of experience. For clarification, the board has amended paragraphs (3)(C)3., (4)(A)3., and (4)(B)3. of the rule.

COMMENT: Laura Elmore submitted comments regarding subsection (3)(B) questioning how therapists know what type of massage and if they will be required to pass an exam.

RESPONSE: Without further clarification the board is unable to respond to this comment.

COMMENT: Katherine Miranti submitted comments regarding paragraph (3)(B)3. suggesting the deletion of the word "shall" and the insertion of the word "may." Ms. Miranti stated that not all applicants will have all of the documents listed. It is understood that the board has the authority to substantiate claims made in applications and determine whether the opposing documents are adequate for proof. Ms. Miranti suggested the board set forth procedures for appeals and denials. Ms. Miranti also suggested that subparagraph (3)(B)3.L. be amended by inserting "or" after the semicolon to be consistent with the itemizations in other categories.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended section (3) of the rule.

COMMENT: Brad Potter submitted comments regarding client records as mentioned in subparagraphs (3)(B)3.M., (3)(C)3.M., and (4)(A)3.M., and (4)(B)3.M. questioning how individuals who did not keep records or have lost the records would be able to meet this requirement. Mr. Potter further questioned whether a therapist would be penalized for an illness, a child, or taking time off from massage either by choice or under doctor's orders.

RESPONSE: The board disagrees. Applicants have been given fifteen (15) years to demonstrate the ten (10)-year requirement. The applicant may want to consider other options for licensure.

COMMENT: Jane Case submitted comments regarding subparagraphs (3)(B)3.M., (3)(C)3.M., and (4)(A)3.M., and (4)(B)3.M. opposing the submission of a work log or client records as proof of massage therapy experience. Ms. Case suggested that referral letters from clients and other healthcare professionals should provide the information the board is looking for.

COMMENT: Teresa Gray submitted a comment regarding subsection (4)(A) stating that if she were a massage therapy client, she would not feel comfortable knowing that her personal clients records were being distributed to several strangers for review. Ms.

Gray suggested that client forms be deleted as an option for proving massage hours.

COMMENT: Mark Knapp submitted comments opposing the submission of client records as proof of massage therapy. Mr. Knapp cited the law as written stipulates that the therapist is responsible for confidentiality and that the board is under no obligation to protect the confidentiality of those clients. Mr. Knapp suggested that subparagraphs (3)(B)3.I., (3)(C)3.I., and (4)(A)3.I., and (4)(B)3.I covers the issue and protect client's confidentiality.

COMMENT: Brenda Boyd and Willie Morgan submitted comments opposing subparagraph (3)(B)3.M., (3)(C)3.M., and (4)(A)3.M., and (4)(B)3.M. stating that submission of work logs is an invasion of client confidentiality and should only be submitted with client consent.

COMMENT: Katherine Miranti stated that subparagraph (3)(B)3.M., (3)(C)3.M., and (4)(A)3.M., and (4)(B)3.M. conflicts with the massage therapist efforts to protect client information. Ms. Miranti suggested the board promulgate a rule that states a massage therapist shall not communicate with any person about a client's records without first having obtained a written release for the records to be sent or for the therapist to discuss treatment or other records with any person. Ms. Miranti further suggested that the board promulgate a rule that no therapist should communicate about a specific client via the Internet, E-mail, cellular phone or other such communication media that would allow audible or visual interception by another person.

COMMENT: Brad Potter and Jane Case submitted comments regarding subparagraphs (3)(B)3.A., (3)(C)3.A., and (4)(A)3.A., and (4)(B)3.A. opposing the option to submit income tax records from the previous ten (10) years as proof of massage therapy experience.

COMMENT: Louis Fillinger submitted comments opposing subsections (3)(B), (3)(C), (4)(B), and (4)(C) which requires the submission of income tax forms, evidence of office rent or lease agreements, verifiable letters of confirmation from clients, and/or work log or client records. Ms. Fillinger believes her right to privacy should be respected the same as with a medical doctor.

RESPONSE AND EXPLANATION OF CHANGE: The rule does not require all documents be submitted but rather allows the applicant a variety of methods of documenting ten (10) years of experience. The particular form selected to be submitted will vary by applicant. However, for clarification, the board has amended section (3) of the rule. Furthermore, information submitted by the applicant is considered confidential pursuant to section 620.010.14(7), RSMo Supp. 1999.

COMMENT: Laura Elmore requested clarification regarding the requirements subsection (3)(C) in particular why only one hundred (100) clock hours or more when a temporary license requires one hundred (100) hours prior to December 31, 2000 then requires individuals to obtain an additional one hundred hours (100). Ms. Elmore suggested subsection (3)(C) be amended to require additional hours. Ms. Elmore requested inclusion under the requirements of subsection (4)(A). Ms. Elmore stated that she had one hundred fifty (150) clock hours but started working full-time at the end of August 1999. Ms. Elmore requested the board consider waiting until December 21, 2000 to allow her to obtain the hours needed to meet this requirement.

COMMENT: Connie Brown commented regarding section (4) opposing the inclusion of individuals with less than three (3) years and at least one hundred (100) clock hours of training being able to apply for a temporary two (2) year license and those individuals with more training and clock hours that do not fall within a grandfathering clause.

COMMENT: Laura Elmore requested inclusion under the requirements of subsection (4)(A). Ms. Elmore stated that she had one hundred fifty (150) clock hours but started working full time at the end of August 1999. Ms. Elmore requested the board consider

waiting until December 21, 2000 to allow her to obtain the hours needed to meet this requirement.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265, RSMo Supp. 1999.

COMMENT: Teresa Orler submitted comments on subsection (4)(B) suggesting that provisions for massage therapy instructors require anyone seeking licensure as a massage therapy instructor have a minimum of one thousand (1,000) hours of training and successfully pass a state instructors examination that includes written and practical examinations.

RESPONSE: The board is unable to address this issue because it is beyond the scope of the statute.

COMMENT: Janet Johnson submitted comments on section (4)(A) stating that she has a Masters degree and has attended universities in two (2) states and feels that she is able to judge the teaching ability of her instructors and to determine if a curriculum appears to be adequate.

COMMENT: Connie Brown commented on subsection (4)(B) stating that she is unaware of a school of massage in the state of Missouri that requires an instructor to hold a bachelor's degree or higher. If required, students could not afford the school.

COMMENT: Christopher D. Green suggested that subparagraphs (3)(B)3.B., (3)(B)3.G., and (3)(B)3.H., be deleted from the regulations stating these items are easily falsified and do not prove actual practice.

RESPONSE: The board disagrees. In the interest of public safety, the board determined the rule to be appropriate.

COMMENT: Kirby Holbrook, SOMA Wellness Center, commented on subsections (4)(B) stating that the text used in anatomy and physiology for body workers differs considerably from those normally used in college anatomy and physiology. Mr. Holbrook suggested amending subsection (4)(B) by deleting the wording "who holds a bachelor's degree or higher in a field related to anatomy and physiology" and insert the wording "is approved by the Coordinating Board of Higher Education (CBHE)."

RESPONSE: The board disagrees. In the interest of public safety the board believes it is prudent for an instructor to have practiced professionally for at least two (2) years. In addition, pursuant to the rule massage therapy schools are certified by the Coordinating Board for Higher Education which includes instructors and curriculum.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the cost of the criminal background check be included in this rule.

RESPONSE AND EXPLANATION OF CHANGE: The cost of the criminal background check is the fingerprinting fee. However, for clarification, the board amended the rule to replace "fingerprinting fee" with "criminal background check fee."

4 CSR 197-2.010 Application for Licensure

(1) A person who has completed massage therapy studies consisting of at least five hundred (500) clock hours of supervised instruction in a Coordinating Board of Higher Education (CBHE) certified school or an equivalent approving body for out-state applicants, shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

(B) Two (2) sets of fingerprints and the criminal background check fee;

(C) An official final transcript showing successful completion of the program to be submitted directly to the board office from the massage therapy program which includes:

1. The applicant's name;
2. Date of enrollment;

3. Date of completion; and

4. Documentation that the massage therapy program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:

A. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided by an instructor(s) who has practiced professionally for at least two (2) years and who is licensed or meets the qualifications for licensure as a massage therapist in the state of Missouri;

B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by an instructor(s) who holds a bachelor's degree/minor in a healthcare related field including but not limited to the fields of physical therapy, chiropractic, osteopathy, medical doctor, physician assistant, nursing, etc. or a bachelor's degree/minor in a field related to anatomy and physiology including but not limited to biology, chemistry, health, microbiology, medicine, etc.;

C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri provided by an instructor who demonstrates documentable experience/education in a related field; and

D. Fifty (50) clock hours dedicated to ancillary therapies provided by an instructor(s) who demonstrates documentable experience/education in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective instructor certification.

(2) A person who has completed five hundred (500) clock hours in an apprenticeship with a certified mentor and has successfully passed an examination approved by the board shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

(B) Two (2) sets of fingerprints and the criminal background check fee;

(C) Official evidence of completing five hundred (500) clock hours of massage therapy training in an apprenticeship with a certified mentor which includes:

1. The applicant name;
2. Date of enrollment;
3. Date of completion;

4. Documentation that the mentorship program consisted of at least five hundred (500) clock hours of supervised instruction which consisted of:

A. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided directly by the certified mentor;

B. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by an instructor(s) who holds a bachelor's degree/minor in a healthcare related field including but not limited to the fields of physical therapy, chiropractic, osteopathy, medical doctor, physician assistant, nursing, etc. or a bachelor's degree/minor in a field related to anatomy and physiology including but not limited to biology, chemistry, health, microbiology, medicine, etc.;

C. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri provided by an instructor(s) who demonstrates documentable experience/education in a related field; and

D. Fifty (50) clock hours dedicated to ancillary therapies provided by an instructor(s) who demonstrates documentable experience/education in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective instructor certification; and

(3) Grandfathering Provisions.

(A) A person who has passed a statistically valid examination on therapeutic massage and bodywork prior to August 28, 1999 and

applies for such license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit—

1. A completed notarized application and the accompanying application fee;
2. Two (2) sets of fingerprints and the criminal background check fee; and
3. Evidence of passing a statistically valid examination from one of the following:
 - A. NCBTMB; or
 - B. NCCAOM.

(B) A person who has been in the practice of massage therapy for at least ten (10) years prior to August 28, 1999 and applies for such license prior to December 31, 2000 shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;
2. Two (2) sets of fingerprints and the criminal background check fee;
3. Evidence documenting at least ten (10) years of massage therapy practice (minimum of one hundred fifty (150) massage hours per year practiced between August 28, 1984 to August 28, 1999) which may include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;

I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;

- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;

L. Verifiable letters of confirmation from clients of massage therapy experience;

M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client.

(C) A person who has been in the practice of a massage therapy for at least three (3) years prior to August 28, 1999, has completed at least one hundred (100) clock hours of formal training in massage and applies for such license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;
2. Two (2) sets of fingerprints and the criminal background check fee;

3. Evidence documenting at least three (3) years massage therapy practice (minimum of one hundred fifty (150)-massage hours per year practiced between August 28, 1994 to August 28, 1999) which may include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;

I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;

J. Verifiable letter(s) from employer(s);

K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;

L. Verifiable letters of confirmation from clients of massage therapy experience; or

M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; and

4. Evidence of at least one hundred (100) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:

- A. Classroom and directly supervised student clinical massage therapy practice hours;
- B. Continuing education credits in massage therapy; or
- C. Massage therapy seminar and/or workshop attendance.

(4) **Temporary Two (2)-Year License.**

(A) A person who has practiced less than three (3) years prior to August 28, 1999 and has at least one hundred (100) clock hours of training prior to December 31, 2000 and applies for a temporary two (2)-year license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;
2. Two (2) sets of fingerprints and the criminal background check fee;

3. Evidence documenting at least seventy-five (75) massage hours over a minimum of a six (6)-month period with no less than eight (8) hours in each single month of massage therapy practice prior to August 28, 1999 which may include but not be limited to a combination of the following:

- A. Income tax forms;
- B. Professional massage therapy association membership(s);
- C. Certificates of continuing education in massage therapy;
- D. Business license(s);
- E. Office rent or lease agreement(s);
- F. Yellow page advertisements with dates;
- G. Printed advertisements with dates;
- H. Professional insurance;

I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;

- J. Verifiable letter(s) from employer(s);
- K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;

L. Verifiable letters of confirmation from clients of massage therapy experience; or

M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client.

4. Evidence of at least one hundred (100) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:

- A. Classroom and directly supervised student clinical massage therapy practice hours;
- B. Continuing education credits in massage therapy; or
- C. Massage therapy seminar and/or workshop attendance.

(B) A person who has practiced at least three (3) years prior to August 28, 1999 and has less than one hundred (100) clock hours of training prior to December 31, 2000 and applies for a temporary two (2)-year license prior to December 31, 2000 shall be at least eighteen (18) years of age and shall submit or cause to be submitted:

1. A completed notarized application and the accompanying application fee;
2. Two (2) sets of fingerprints and the criminal background check fee;
3. Evidence documenting at least three (3) years massage therapy practice (minimum of one hundred fifty (150)-massage hours per year practiced between August 28, 1994 to August 28, 1999) which may include but not be limited to a combination of the following:
 - A. Income tax forms;
 - B. Professional massage therapy association membership(s);
 - C. Certificates of continuing education in massage therapy;
 - D. Business license(s);
 - E. Office rent or lease agreement(s);
 - F. Yellow page advertisements with dates;
 - G. Printed advertisements with dates;
 - H. Professional insurance;
 - I. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
 - J. Verifiable letter(s) from employer(s);
 - K. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
 - L. Verifiable letters of confirmation from clients of massage therapy experience; or
 - M. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; and
4. Evidence of at least twenty-five (25) clock hours of formal massage therapy training approved by the board which shall include any combination of the following:
 - A. Classroom and directly supervised student clinical massage therapy practice hours;
 - B. Continuing education credits in massage therapy; or
 - C. Massage therapy seminar and/or workshop attendance.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-2.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 806–809). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received two (2) comments on the proposed rule.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the cost of the criminal background check be included in this rule.

RESPONSE AND EXPLANATION OF CHANGE: The cost of the criminal background check is the fingerprinting fee. However, for clarification, the board amended the rule to replace "fingerprinting fee" with "criminal background check fee."

COMMENT: Katherine Miranti stated that this rule does not address reciprocity for massage therapist who were trained or licensed in other countries. Ms. Miranti suggested the board consider that there are a number of practitioners from other countries who might need more provisions spelled out regarding grandfathering. Ms. Miranti stated that she believes that it is inappropriate to discriminate against these practitioners, especially given that some of those individuals hold credentials from some of the world's best programs and others hold actual degrees in massage therapy.

RESPONSE: The statutes do not provide for reciprocity with other countries, however, an applicant may qualify under other provisions in the rules.

4 CSR 197-2.020 Reciprocity

(1) A person applying for licensure by reciprocity whose state, territory, or commonwealth of the District of Columbia has requirements which substantially conform to those in the state of Missouri shall submit or cause to be submitted the following:

(B) Two (2) sets of fingerprints and the criminal background check fee;

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-2.030 Provisional License is adopted.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 810–813). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received one (1) comment on this proposed rule.

COMMENT: Katherine Miranti suggested that if a statutory change is necessary the board request the division or department to cause a bill to be filed that will allow for the sixty (60)-day time period to be changed to at least ninety (90) days. Ms. Miranti further stated that if an applicant does not pass the first examination, they will likely need more time to study and/or they will incur unnecessary expense to be scheduled at another test site.

RESPONSE: The board disagrees. Pursuant to the rule, a provisional license may be renewed for an additional sixty (60)-day time period.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 197—Board of Therapeutic Massage
Chapter 2—Massage Therapist Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.265, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-2.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 814-817). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received thirteen (13) comments on this proposed rule.

COMMENT: Kathleen Crawford stated that sections (1)–(7) are too costly and unnecessary.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265.5, RSMo Supp. 1999. Furthermore, the fees were set to cover the administrative costs of administering this provision of the law.

COMMENT: Katherine Miranti submitted comments regarding section (2) stating the requirements are too restrictive. Ms. Miranti stated that if a student discloses to the client that he/she is a student and if the student is covered with liability insurance, and if the student is being directly supervised by a faculty or staff member of the school there is little reason for this requirement. The only way massage therapists learn is to practice repeatedly outside the classroom. On the other hand, the board might wish to restrict or prohibit students from practicing or learning in an endeavor of research on human subjects.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265.5, RSMo Supp. 1999. In addition, in the interest of public safety, the board determined that the rule is reasonable and necessary.

COMMENT: Christopher D. Green and Cynthia Hughes commented on section (5) stating that most accredited schools assign the students outside massage sessions only after they have completed appropriate training where students must undergo testing to prove their abilities and may perform the massage only to the level of the current education. Students are required to document the techniques utilized and results achieved and clients are required to complete a health intake form before the massage and a critique form afterwards, thus allowing the instructor to chart the individual student's progress. As written, the law requires schools or mentors to have an instructor present at every massage performed by every student or to cease assigning any outside massage. Mr. Green stated that this regulation would severely limit the student's ability to learn. Proficiency in massage requires constant hands-on practice with a large variety of people and conditions. Following appropriate instruction, students need to work on the public as often as possible, to enhance skills, gain experience and learn to market themselves. Mr. Green suggested that this regulation be

amended to read: "After appropriate training, a student may practice massage therapy on members of the public while under the supervision or direction of a massage therapy instructor, school or certified mentor."

COMMENT: Kirby Holbrook, SOMA Wellness Center commented on section (5) stating that clinical practice for students is a chance to gain real experience and practice working with the public building hours of experience in technique and interaction with clients not to be directly instructed while performing clinical practice. It is also an opportunity for students to build contacts that may convert to professional clients upon graduation. While it is understood that some form of supervision is necessary, having an instructor directly involved is not necessary. The rules give those with a temporary license the privilege of practicing with no supervision with only one hundred (100) hours of training and less than three (3) years of experience. Therefore, it is reasonable to allow the same privilege to students with limited supervision. This type of "lab" instruction could be carried out by a licensed therapist or other professional such as a nurse, chiropractor, occupational therapist or physical therapist. Mr. Holbrook suggested deleting the word "direct" and adding to the end of the sentence "licensed massage therapists or other certified healthcare professional."

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested clarification of the phrase "direct supervision" in section (5) of the rule. Students of Midwest Institute of Bodywork and Somatic Therapy are required by the Coordinating Board of Higher Education to keep a client history sheet for each of their student clients. The client history sheets are reviewed by qualified members of the faculty. The review focuses on the student's initial evaluation, appropriate disqualification of the client for standard contraindications for body somatic therapy, and appropriate evaluation course of treatment for the client's presentations. In addition, clients are afforded the opportunity to grade the student body somatic practitioner. The students requested the board specify that this method of "direct supervision" is an "approved method of supervision" under the provisions of this section.

COMMENT: Barbara Simon, Director, submitted comments on behalf of Missouri College and contends that most accredited schools assign the students outside massage session only after they have completed appropriate training. Students are required to document techniques utilized and results achieved on each outside massage. Clients are required to not only complete a health intake form before the massage, but also a critique form afterwards, thus allowing instructors to chart the individual student's progress. This regulation would severely limit the student's ability to learn and enhance their skills. Following appropriate instruction, students need to work on the public as often as possible to enhance skills and to gain experience interacting with the public and learn to market themselves. Other states, such as Washington, have used the wording "under supervision or direction of" an instructor or mentor when defining student supervision.

COMMENT: Connie Brown commented that section (5) will make it more difficult for students to meet their requirement to complete a required number of massages within specified time limits since many students are working full-time jobs in addition to attending school. Therefore, scheduling can be very difficult for completion of out-of-class requirements. This regulation seems to be establishing an undue burden not only on the students but also the schools and instructors.

COMMENT: Katherine Miranti submitted comments regarding section (5) stating the requirements are too restrictive. Ms. Miranti stated that if a student discloses to the client that he/she is a student and if the student is covered with liability insurance, and if the student is being directly supervised by a faculty or staff member of the school there is little reason for this requirement. The only way massage therapists learn is to practice repeatedly outside the classroom. On the other hand, the board might wish to restrict

or prohibit students from practicing or learning in an endeavor of research on human subjects. Ms. Miranti also submitted comments regarding section (6) stating there is no reason to restrict student from receiving compensation. Ms. Miranti stated that this is how many students have been able to afford to put themselves through training and school. Ms. Miranti suggested the board distinguish between experimentation and practice.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265.5, RSMo Supp. 1999. In addition, in the interest of public safety, the board determined that the rule is reasonable and necessary.

COMMENT: Katherine Miranti stated the term "active student" in section (7) needs to be defined by rule, in addition to clarifying within thirty (30) days of what shall the license be returned.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends section (7) of the rule to state "enrolled" instead of "active."

COMMENT: Kathleen Crawford submitted comments regarding section (8) suggesting that the section be amended to say twenty (20) students instead of five (5) students under direct supervision at one time. Ms. Crawford stated that she is an instructor for a student clinic and would be bankrupt with this unreasonable limit. A for-profit school should not have their economic growth and profits limited due to unreasonable fees and would have to bear extensive loses to meet the limit of five (5) students.

COMMENT: Katherine Miranti stated the requirements of section (8) are not realistic as a competent instructor can directly supervise more than five (5) students in clinical practice at a time. This restriction could also cause the costs of operating a clinic associated with a school to be prohibited, thereby, discouraging or disabling students from obtaining this beneficial component of their programs. This applies to both Coordinating Board of Higher Education (CBHE) accredited schools and to clinics operated by certified mentors.

COMMENT: Michael Smith stated that the requirements of section (8) are restrictive and oppressive. Mr. Smith suggested the board limit the number of students being directly supervised to one (1) per time but change the number per year to infinite.

RESPONSE: The board disagrees. In the interest of public safety, the board determined that the rule is reasonable and necessary. Furthermore, the rule only limits the number of students under the direct supervision of an instructor during the clinical practice.

4 CSR 197-2.040 Students/Student License

(7) When the individual is no longer enrolled or has graduated, the school shall return the student license within thirty (30) days to the board office.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 197—Board of Therapeutic Massage

Chapter 2—Massage Therapist Licensure Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.262 and 324.265, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-2.050 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 818-821). Section (6) has been deleted. This proposed

rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S. Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received seven (7) comments on this proposed rule.

COMMENT: Maggie Fenimore submitted comments regarding section (1) suggesting continuing education courses not required by national certification in order to broaden therapist education.

COMMENT: Willie Morgan submitted comments regarding section (1) questioning if the continuing education requirements, which include universal precautions/infection control, are for each license period or an option. Mr. Morgan further questioned from which teaching facility continuing education would be accepted.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265.3, RSMo Supp. 1999. Furthermore, the board does not intend to regulate continuing education providers because it is beyond the scope of the statute.

COMMENT: Katherine Miranti suggested that section (1) be amended by inserting "first aid" after infection control since first aid is probably more needed and used than CPR.

COMMENT: Mark Knapp submitted comments regarding section (1) stating that this requirement is vague and questioned whether it is the board's intention that the therapist hold a valid CPR certification and not require training every two (2) years.

RESPONSE: The board disagrees. In the interest of public safety, the board determined that the rule is reasonable and necessary. Furthermore, the rule allows for continuing education electives of the licensee's choice.

COMMENT: Christopher D. Green commented that section (4) unfairly penalized practitioners when it may be no fault of their own that the renewal application is sent late by the state or is misrouted by the Post Office. Mr. Green suggested that renewal be mailed requiring a signature or validation of delivery. Mr. Green also commented that section (5) does not indicate what penalties will apply if the renewal application arrives late and suggested the fine be \$20-\$50.

COMMENT: Katherine Miranti stated the requirements of section (5) are not feasible since there will be many factors that will affect late submittals. Ms. Miranti stated that this requirement should also not apply to incomplete submittals. If the statutes specify what the penalties are, the rule should refer to the statute reference.

RESPONSE: The board disagrees in that it is cost prohibitive to send renewal notices requiring a signature or validation of delivery. Furthermore, no statutory provision exists for late fees or penalties.

COMMENT: Katherine Miranti suggests the board include similar provisions of section (6) in other rules in this chapter. Ms. Miranti stated that phrases such as "deemed by the board" and "deemed to have engaged in" conflict with other rules that are the province of the judicial branch. Violations that are punishable by fine or imprisonment are matters of the court. A court of competent jurisdiction will determine by judge or jury whether a person has committed a crime. The Administrative Hearing Commission's authority is also superceded by the courts. Rather than wording this section in terms of board deeming, Ms. Miranti suggested the board word it in terms like a particular behavior shall constitute a violation. Ms. Miranti suggested the board include the business's right to appeal in the rule provisions.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has deleted all of section (6) of this rule.

4 CSR 197-2.050 License Renewal

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 197—Board of Therapeutic Massage
Chapter 3—Standards of Practice

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245 and 324.262, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-3.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 822-824). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received seventy-six (76) comments on this proposed rule.

COMMENT: Katherine Miranti requested the board distinguish between standards of practice that have to do with ethics from standards of practice that have to do with treatment and operations. Ms. Miranti stated it is not possible to list everything that is considered to be an ethic and by listing some, it does not give the board flexibility it needs to make determinations about ethical violations since one might argue that listing some but not others meant the same as "shall include but not be limited to." Likewise, ethics are not values. Ms. Miranti further stated that she believes the rule has substantial problems and may cause many massage therapists to lose their licenses erroneously or be forced to close their businesses. One of the main problems is that the standards do not differentiate between clients who seek therapy for non-clinical as compared to clinical services. The populations are distinct and standards applying to each should be regulated as such.

COMMENT: Paul Steingruber submitted a comment regarding section (1) stating that only physicians treat people in the state of Missouri.

RESPONSE: The board disagrees. The board believes these standards are appropriate for licensed massage therapists as defined in section 324.240(6) and (7), RSMo Supp. 1999.

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association submitted comments regarding paragraph (1)(A)1. stating the rule is redundant. Therapists who practice within their scope of practice will necessarily refer clients to other professional where appropriate, if they do not they are practicing outside their scope of practice. Mr. Ruvalcaba suggested the sentence be amended as follows: "Practice within his/her own scope of education, practice, and competence."

RESPONSE: The board disagrees. In the interest of public safety, the board determined that the standards of practice outlined in the rule are necessary and appropriate.

COMMENT: Sid Wasserman and Phyllis Riggs commented that section (1)(A)3. uses the word "treatment" and stated that massage therapists do not treat and that massages are given for relaxation only.

COMMENT: Brad Potter submitted comments regarding paragraph (1)(A)3. stating that the board needs to define and keep up with changes regarding medical knowledge. If not, Mr. Potter sees problems in the board determining if an infraction has occurred.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.240(6) and (7), RSMo Supp. 1999.

COMMENT: Katherine Miranti submitted comments regarding paragraph (1)(A)3. in regard to "encourage unnecessary or unjustified treatment" stating that this provision could be enough to close a business or restrict a practice and make it unprofitable. Necessary and justifiable treatment is a phrase that is used by the insurance industry to determine whether or how much of a claim will be reimbursed. Even in situations where a physician has written a prescription that includes the frequency, longevity and duration of treatments, the question of what is necessary and justifiable comes into question on a case-by-case basis and is extremely difficult to defend given the current state of the literature and particularly, research. Ms. Miranti stated that she does not believe that the board wants to be involved in every dispute over third party reimbursements and the complaints are often associated with prescriptive clinical care. While a therapist can work without the necessity of a prescription, in many cases the client will be required by his/her insurer, attorney or the workers compensation representative to get a written prescription for the manual therapy. Although the therapist has the right to refuse to accept the prescription, this provision would place a hardship on the therapist to have to defend. Ms. Miranti suggested the ethical requirements be listed separately from the treatment and business practice standards. Ms. Miranti further suggested the board delete the phrase, "and will not encourage unnecessary or unjustified treatment."

RESPONSE AND EXPLANATION OF CHANGE: The board agrees with the first sentence of the comment and amends paragraph (1)(A)3. of the rule. The board lacks authority to address insurance or prescriptions because they are beyond the scope of the statute.

COMMENT: Katherine Miranti commented that the word "delegate" in subsection (1)(B) suggests that the therapist is either a massage business owner with an employee, an instructor in a Coordinating Board of Higher Education (CBHE) school, or a certified mentor. It does not affect referrals to other practitioners. Ms. Miranti questioned the difference between "qualified" and "licensed" and how massage therapist determine who is qualified.

RESPONSE: The board disagrees. In the interest of public safety, the board determined the rule to be appropriate. Furthermore, the rule does not govern referrals.

COMMENT: Katherine Miranti suggested that section (2) be amended to prohibit massage therapist from imposing his/her religious or spiritual beliefs, psychic intuitions or para-psychology practice on a client.

RESPONSE: The board lacks authority to address this issue because it is beyond the scope of the statute.

COMMENT: Willie Morgan submitted comments regarding section (2) stating that previous rules have already addressed the issue of engaging in sexual conduct. Mr. Morgan further stated that if massage therapists continue to emphasize what they are, that should be sufficient and set the tone for the therapist and the client. By continuing to state that massage therapists do not provide sexual services it can lead to setting up an expectation which can lead to unnecessary and unpleasant situations.

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association stated that the words "honesty and integrity"

as stated in paragraph (3)(A)1. are potentially unenforceable. Mr. Ruvalcaba suggested this paragraph be deleted or rewritten to delineate what constitutes "honesty and integrity."

COMMENT: Kathleen Crawford submitted comments regarding paragraph (3)(A)2. stating that lawsuits against massage therapists are unheard of and that other professionals such as doctors and nurses carry a greater risk than a massage therapist. Ms. Crawford suggested that this paragraph be deleted due to a lack of risk.

RESPONSE: The board disagrees. In the interest of public safety, the board determined that the rule is reasonable and necessary.

COMMENT: Gwenith Jones submitted comments regarding section (2) questioning when the relationships ends, one (1) year, one (1) week or forever?

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended section (2) of the rule.

COMMENT: Faith Rose submitted comments regarding section (2) stating that massage therapists depend on referrals. Ms. Rose stated that individuals just starting out or on a part-time basis cannot afford to lose the opportunity to work on friends and relatives as a foundation of this business. Other healthcare providers do not have the same stipulations. Ms. Rose stated that perhaps we just oppose sexual relations during massage therapy.

RESPONSE: The board disagrees. In the interest of public safety, the board determined that the rule is reasonable and necessary. Furthermore, the board determined that the definition of "client" in 4 CSR 197-1.010 addresses this issue.

COMMENT: Paul Steingruber, Sid Wasserman and Phyllis Riggs commented on paragraph (2)(A)1. and questioned what protections are in place for the therapist when a client insults, grabs at, propositions, or attacks the licensee and if Missouri law stipulated this admonition for other health relation professions.

RESPONSE: The board determined that 4 CSR 197-3.010(3)(A)9. addresses the issue.

COMMENT: Brad Potter submitted comments regarding paragraph (2)(A)2 questioning if a teacher married a student.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends paragraph (2)(A)2. of the rule.

COMMENT: Norma Harnack and Students of Midwest Institute of Bodywork and Somatic Therapy suggested that paragraph (2)(A)2. read "Engage in sexual conduct with his/her clients/students."

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association submitted comments regarding paragraph (2)(A)3. stating that this paragraph seems to imply that a client and therapist may engage in sexual activity as long as the therapist has not exercised influence within the therapist-client relationship. Mr. Ruvalcaba suggested the paragraph be written as follows: "Engage in sexual activity with a client".

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends paragraph (2)(A)2. of the rule.

COMMENT: Paul Steingruber submitted comments regarding paragraph (2)(A)6. questioning what protection will be offered to the therapist if the client experiences and complains of other than a "medical" sensation during the massage.

RESPONSE: Without further explanation the board cannot address this comment.

COMMENT: Sid Wasserman and Phyllis Riggs commented on paragraph (2)(A)6. stating that in most instances the breast is not massaged.

COMMENT: Brad Potter submitted comments regarding paragraph (2)(A)6. stating that the area between the breast is an area loaded with lymph glands.

RESPONSE: The board's intention is that breast massage is related to mammary tissue.

COMMENT: Mark Knapp submitted comments seeking clarification of section (3) and suggested that section (2) be mirrored if the intention of the board is to prevent prostitution.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended section (3) of the rule.

COMMENT: Michael Smith submitted comments regarding section (3) stating the regulation is excessive. While Mr. Smith agreed that all clients should be given an informed consent and stated on-site chair massage is generally a very superficial massage of the back, neck or shoulders and last from five to ten (5-10) minutes. Mr. Smith suggested the proposed rule be amended to include a provision for on-site chair massage that would allow those clients to sign an informed consent form and not a full client intake form. This amendment would not put clients at any increased risk and would keep on-site chair massage a convenient and affordable alternative for clients to experience massage.

COMMENT: Paul Steingruber commented that paragraph (3)(A)3. is unnecessary and excessive particularly for brief chair massages. Therapists are trained to routinely ask the client for their current health status and determine whether massage is contraindicated. A short list of pertinent health questions would be more acceptable along with the client's signature accepting personal responsibility or a note of approval from his/her primary health practitioner. Massage therapists are not medical practitioners, therefore, Mr. Steingruber questioned the practical value of taking lengthy medical histories and storing the information for five (5) years. This requirement will turn off a large percentage of people wanting massages because it is time consuming, invasive, and needlessly stressful.

COMMENT: Sid Wasserman and Phyllis Riggs oppose paragraph (3)(A)3. stating the amount of information required is excessive, especially in businesses where ten (10) minute backrubs are performed. Medical histories imply treatment and most massages are for relaxation not for pain.

COMMENT: Norma Harnack submitted comments regarding the requirements of paragraph (3)(A)3. stating that the purpose of the visit is redundant and indicates some other purpose for the visit other than massage therapy.

COMMENT: Helen Kersey suggested that standard forms be provided to meet the requirements of paragraph (3)(A)3.

COMMENT: Brenda Boyd submitted comments regarding paragraph (3)(A)3. stating that she maintains an appointment book not ongoing records and sees no reason for the ongoing records. Ms. Boyd stated that some clients do not want to be bothered with filling out a bunch of medical history papers when the therapist can just ask a few quick questions.

COMMENT: Mark Knapp questioned the implications of subparagraphs (3)(A)3.C. and (3)(A)3.E. stating that therapists asking questions regarding allergies and medication could imply knowledge. Mr. Knapp suggested that if a therapist were asking about medications it would be advisable to ask about over-the-counter medications as well as prescriptive medications, herbs, tinctures, and teas, since these are all actors on the body and some can be more powerful than some medications.

COMMENT: Brad Potter submitted comments regarding paragraph (3)(A)3. stating that taking an intake form on every visit is ridiculous. Having a client fill it out once is sufficient and updates can be made from there. Other professions do not require an intake form at every visit. A client coming to a therapist to request services should be consent enough. Computers are now in use. Mr. Potter requested clarification for those therapists who have an intake form on computer and take the information at the time the appointment is made. Mr. Potter requested further clarification in regard to a client refusing to disclose medical information or is

unable to sign because of a condition or injury. Mr. Potter suggested that items required in subparagraphs (3)(A)3.A. through (3)(A)3.G. be required for the initial visit only. Thereafter, acknowledgement of the visit and notes should be required. Having to keep an individual record on paper for every visit is an unfair burden on both the business and individual and individual therapists as a full time therapist will have one thousand to two thousand (1000-2000) hours of therapy a year.

COMMENT: Katherine Miranti submitted comments regarding paragraph (3)(A)3. stating this is not assessment, it is intake. Ms. Miranti suggested that the rule distinguish between intake, client education, subjective and objective observations, and assessment and therapy plans. Ms. Miranti further suggested that the rule clearly state that no evaluation techniques should be presented as or used to make diagnoses and that the use of evaluation techniques that are also used by other healthcare practitioners or professionals are used in massage therapy to document the extent, not the nature, of the problem. Ms. Miranti suggested that the board incorporate by reference a standard set of reference that can be used as examples, such as *Hands Heal: Documentation for Massage Therapy (SOAP notes, etc.), Therapy and Practice of Therapeutic Massage, and/or Pathology for Massage Therapists* and the standards of practice and statements of ethics from the American Massage Therapy Association (AMTA) and/or the National Certification Board of Therapeutic Massage and Bodywork (NCBTMB). Ms. Miranti stated that most importantly the board should require that the pathologies recognized as absolute contraindications be listed on every client intake form. Ms. Miranti suggested that the paragraph be expanded or the division issue standard or example screening forms for all therapists.

RESPONSE: The board disagrees. It is not the intent of the board to regulate the form or the format on which this information is kept, but does regulate the information required to be collected from the client.

COMMENT: Brad Potter submitted comments regarding paragraph (3)(A)2. questioning who the massage therapist should obtain the insurance from. Mr. Potter stated the only massage liability insurance available is through trade organizations. Mr. Potter requested the board provide more details as to what constitutes proper coverage, provide company names, and how much coverage is needed.

RESPONSE: The board lacks authority to address this comment because it is outside the scope of the board's authority.

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association stated given the difference between professional liability insurance and business liability insurance, members of the public may not be protected if a therapist carries only business liability insurance. Mr. Ruvalcaba suggested that paragraph (3)(A)2. be amended to state: "Maintain professional liability insurance."

COMMENT: Katherine Miranti suggested that paragraph (3)(A)2. specify both general liability and professional liability.

COMMENT: Christopher D. Green commented that paragraph (3)(A)2. requires each practitioner to maintain liability insurance but does not indicate how much or what type is required.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees with this comment and has amended paragraph (3)(A)2. of the rule.

COMMENT: Kim Coleman submitted a comment opposing paragraph (3)(A)2. and suggested that this requirement be deleted.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule to be necessary and reasonable.

COMMENT: Kim Coleman suggested that paragraph (3)(A)5. be amended to state: "Maintain client records for at least one (1)

year."

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy request the time period for keeping client records in paragraph (3)(A)5. be reduced from five (5) to three (3) years, since record keeping is likely to become unwieldy and burdensome to a practitioner who sees a client only once or twice.

COMMENT: Sid Wasserman and Phyllis Riggs submitted comments regarding paragraph (3)(A)5. stating that maintaining records for five (5) years is excessive. This implies that massage therapists are medical practitioners.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends paragraph (3)(A)5. of the rule.

COMMENT: Brenda Boyd submitted comments regarding paragraph (3)(A)13. questioning why clean linens have to be kept on closed shelves. Ms. Boyd stated that clients have told her they are glad to see them displayed because they had been other places and were not sure they were changed after each client. Ms. Boyd stated that as fast as therapists use linens, there is not enough time to collect dust.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended paragraph (3)(A)19. to state that clean linens have to be kept on closed or covered shelves.

COMMENT: Teresa Orler commented regarding paragraph (3)(A)7. stating that by manipulating the anterior axillary and pectoral area therapists facilitates blood and lymph circulation through breast tissue. A drape in this area is an impediment to therapeutic effectiveness. The client should be given the option of a breast drape as therapists should not assume the modesty of the client or the lasciviousness of the therapist.

COMMENT: Willie Morgan commented that subparagraph (3)(A)4. and 9. should be left to the therapist. Mr. Morgan also submitted comments opposing paragraph (3)(A)19. stating that open shelving allows for beneficial air circulation. Mr. Morgan further stated if the space is not one in which wet mopping is performed it seems unnecessary to have a closed storage unit, just as long as the single-service items are at least six inches (6") off the floor.

COMMENT: Sid Wasserman and Phyllis Riggs submitted comments regarding paragraph (3)(A)11. questioning who determines the adequate space between massage tables and chairs. They stated that massage therapists take more precautions for prevention of cross contamination than many other groups where clients can be exposed to infection.

COMMENT: Willie Morgan commented that paragraph (3)(A)21. seems unnecessary, excessive and hard to enforce stating that not all individuals have the volume or the need for professional laundry service. Mr. Morgan stated that detergent and water are very effective bactericidal agents by themselves and some can actually interfere with the action of chlorine bleach. Some clients have environmental allergies to which the therapist must be alert to and control the detergents and other additives used. Mr. Morgan further stated that not every therapist has a hot air dryer, which is not really necessary to effectively kill bacteria.

RESPONSE: In the interest of public safety, the board has determined the rule is necessary and reasonable. Furthermore, the rule does not require use of a professional laundry service.

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association stated there are two (2) problems with subparagraph (3)(A)12.C. The first being bactericidal agents destroy or harm any living tissue they contact including the skin of therapists and their clients. Mr. Ruvalcaba suggested that "bactericidal" be replaced with "antibacterial." The second issue raised was that some parts of this rule read as if they were drawn from the cosmetology field, for example, massage therapists do not use combs in therapy. Mr. Ruvalcaba further suggested that this sub-

paragraph be rewritten to delete the word "comb."

COMMENT: Norma Harnack commented on subparagraph (3)(A)12.C. stating that bactericidal agents do not meet the Center for Disease Control's (CDC) universal precaution recommendations of agents that will kill HIV viruses.

COMMENT: Katherine Miranti submitted comments regarding paragraph (3)(A)12. stating that "single service material" does not necessarily mean disposable. Ms. Miranti suggested the word "bacterial" be changed to "anti-bacterial".

RESPONSE AND EXPLANATION OF CHANGE: The board agrees with these comments and has amended paragraph (3)(A)12. of the rule.

COMMENT: Katherine Miranti requested that the board explain how therapists are to clean hydrocolator packs after each use without destroying the heating element in the unit; what agent to use on gel packs encased in thin plastic that will be refrigerated or frozen between uses; and what is considered adequate to meet the sanitize requirements for multiple use containers. Ms. Miranti questioned if alcohol would suffice and if so, is 40%, 70% or 90% required; is anti-bacterial soap sufficient; and is a certain temperature of water sufficient. Ms. Miranti also asked why therapist can't launder their own sheets if the water is set to the required temperature and they use the one (1) cup of bleach per load.

RESPONSE: The board lacks authority to address this comment because it is outside the scope of the board's authority. Furthermore, equipment used by massage therapists should be cleaned and stored in accordance with the instructions.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested clarification of the phrase "approved germicide" as stated in paragraph (3)(A)21. to assist them in protecting from contamination those clients who might have allergies, skin sensitivities, or other adverse reactions to bleach, Lysol, or other tradition germicides.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended paragraph (3)(A)21. of the rule.

COMMENT: Christopher D. Green and Cynthia Hughes commented on paragraph 3(A)10. of the rule stating that universal precautions as defined by the Center for Disease Control (CDC) are justifiable to some degree. The CDC has established strict requirements that are understandable for major healthcare facilities dealing with many injuries and constant exposure to potential hazard. However, these types of precautions are not viable for schools or an individual practitioner. Mr. Green suggested that clarification be added to this rule specifically defining what the precautions consist of and precisely how they should be implemented in the field of massage.

COMMENT: Willie Morgan submitted comments opposing the inclusion of paragraph 3(A)10. stating the CDC guidelines are concerned with needle sticks and contact with large amounts of body fluids.

RESPONSE AND EXPLANATION OF CHANGE: The board disagrees. In the interest of public safety, the board determined that the definition of universal precautions is appropriate to the practice of massage therapy as defined by section 324.240(7), RSMo Supp. 1999. However the board has amended paragraph 3(A)10. of the rule to reference the term universal precautions as defined in 4 CSR 197-1.010(4).

COMMENT: Mark Knapp submitted a comment in support of paragraph (3)(A)12.

RESPONSE: The board appreciates the comment.

COMMENT: Maggie Fenimore stated the requirements of paragraph (3)(A)14. should be deleted as long as the lubricant is being removed in a sanitary manner.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended paragraph (3)(A)14. of the rule.

COMMENT: Kirby Holbrook, SOMA Wellness Center, commented on subsections (3)(D) and (3)(E). Mr. Holbrook raised opposition to this rule stating that the board did not have the authority to set such detailed standards of practice. When asked for confidential medical information not directly related to massage or when asked for specific drugs, the contraindications and side effects that are well beyond the scope of practice of massage therapists may open therapists to tremendous liability and may be construed as practicing medicine without a license. All information on the client intake form should be strictly voluntary if the client is willing to sign a waiver of liability for the therapist. Mr. Holbrook suggested that subsection (3)(D) be deleted and subsection (3)(E) be rewritten to include only general classifications of drugs such as "blood thinners, anti-inflammatories, etc."

RESPONSE: The board disagrees. The rules were written to comply with the definition of massage therapy and massage therapists as defined in section 324.240(6) and (7), RSMo Supp. 1999.

COMMENT: Sid Wasserman, Phyllis Riggs and Paul Steingruber submitted a comment regarding section (4) questioning what is considered confidential and what assures confidentiality, particularly in an open-business setting that has a high turnover of employees and clients.

RESPONSE: This comment does not address a specific rule, rather, seeks an opinion on business practices. It is beyond the board's authority to address this issue.

COMMENT: Paul Steingruber submitted a comment regarding section (5) who and by what criteria determines what is false, fraudulent, misleading, deceptive, and sexually suggestive/explicit advertisement for massage therapy.

COMMENT: Sid Wasserman and Phyllis Riggs submitted a comment regarding section (5) questioning what group determines what is misleading or deceptive advertising.

RESPONSE: These comments do not address a specific issue in the rule, rather seek clarification of board policy. If a complaint is filed with the board and the board decides to take action, the licensee would be entitled to a hearing in accordance with the statutes.

COMMENT: Katherine Miranti requested clarification of paragraph (5)(A)2. questioning whether legal name refers to the registered doing business as (dba) name, to the individual's personal name or names, or to either or both. Ms. Miranti suggested that the board also require that a copy of all dba's that are registered with the Secretary of State be included in the application packet. Ms. Miranti also submitted comments questioning whether the registered doing-business-as (dba) is sufficient.

RESPONSE: This rule relates to the representation of service by a massage therapist and does not address the use of d/b/a's.

COMMENT: Jane Case, Helen Kersey and Willie Morgan submitted comments opposing the requirements of subparagraph (5)(A)2.A. requiring the inclusion of the license number in any advertisement.

COMMENT: Willie Morgan submitted comments regarding paragraph (5)(B)3. stating it is only necessary to state, "Advertise massage therapy services or instruction which contain a false, fraudulent, misleading or deceptive statement."

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy commented that paragraph (5)(B)4. is too broad, vague and ambiguous and is unenforceable as written. This regulation may pose serious constitutional issues such as freedom of expression and speech. The students requested that this regulation be deleted and replaced as follows: "Engage in misconduct, fraud,

misrepresentation, dishonesty, unethical conduct or professional conduct in the performance of the functions or duties as regulated by this chapter."

COMMENT: Willie Morgan submitted comments regarding paragraph (5)(B)4. stating that this regulation is too vague and questioned who would determine what was a provocative manner or dress. Mr. Morgan further stated that the issue of sexual conduct has been addressed in section (4) of this rule.

COMMENT: Katherine Miranti suggested that paragraph (5)(B)4. be deleted stating that it denigrates the profession. Ms. Miranti further suggested a new section be added to this rule that specifically addresses standards of practice for prescriptive work. Ms. Miranti stated that this issue is of critical importance. Ms. Miranti suggested that the new section include the use of liability waivers, the use of liens and contractual financial agreements, the use of releases of records and releases of consultation, the referral to other providers, the use of information in making professional presentations, and the association of therapists with other organizations.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the insertion of the word "reasonable" before the phrase "information and belief" in paragraph (6)(A)1. They further requested that there should be addressed in this section provisions for not complying with this section, such as sanctioning, suspension or reprimand and by whom such sanctioning, suspension or reprimand shall be administered.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable. Furthermore, the causes for discipline are governed by section 324.262, RSMo Supp. 1999.

4 CSR 197-3.010 Standards of Practice

(1) Competence.

(A) Each massage therapist shall:

1. Practice within his/her own scope of education, practice, and competence and refer clients to other health professionals when appropriate;
2. Maintain in the records a copy of the current massage therapy license and any advance training by documentation; and
3. Acknowledge the limitations of and contraindications to massage therapy and will not encourage unjustified treatment.

(2) Dual Relationships.

(A) No massage therapist shall:

1. Engage in any verbally or physically abusive behavior with a client;
2. Engage in sexual conduct with his/her client(s) during a massage session;
3. Exercise influence within a massage therapist-client relationship for purposes of engaging a client in sexual activity during a massage session;
4. Take unfair advantage of the client for financial gain;
5. Massage the genitals; or
6. Massage the breast unless done by physician prescription or by documented clinical indication by a therapist who holds certification or advanced training techniques related to therapeutic treatment of mammary tissue.

(3) Client Welfare.

(A) Each massage therapist shall:

1. Conduct their business and professionals activities with honesty and integrity;
2. Maintain professional liability insurance coverage;
3. Obtain and document written client assessment information, prior to performing initial massage therapy services, which shall include but not be limited to the following:

- A. Purpose for visit;
- B. Presence of pain and the location;
- C. Allergies;

D. Currently under the care of any health or mental health-care professional;

E. Current medication use the purpose;

F. Recent surgeries;

G. Preexisting condition;

H. Written consent for treatment and date signed; and

I. The massage therapist's signature and date of service.

4. Update, at each session, the client record which shall include:

A. Client assessment information updated, if any changes or additions;

B. The date massage therapy services were performed;

C. Type of services performed;

D. Length of treatment;

E. Outcome assessment (may not apply to on-site/chair massage); and

F. The massage therapist's signature or initials;

5. Maintain client records for at least three (3) years;

6. Provide privacy for the client while the client is dressing and undressing;

7. Provide appropriate draping during treatment which includes draping at the gluteal cleft and genitals on males and females and the breasts on females;

8. Modify or terminate treatment at the client's request regardless of prior consent;

9. Exercise the right to refuse to treat any person or part of the body for just and reasonable cause;

10. Utilize universal precautions at all times as defined in 4 CSR 197-1.010(4). This includes handwashing before and after each client and not knowingly exposing clients to contagious diseases;

11. Provide adequate space around massage chair/table to allow for proper body mechanics and to minimize the spread of infection between tables/chairs;

12. Maintain all equipment used to perform massage therapy services in a safe and sanitary condition, which shall include but not be limited to:

A. Covering any massage or steam equipment that does not have an impervious barrier with a single service material;

B. Repairing all cuts and nicks in upholstery;

C. Cleansing all equipment coming in contact with a client, including hydrotherapy equipment, combs, brushes, showercaps, showers, tubs, and basins with an antibacterial agent between each client usage;

D. Performing a visual check of all equipment for the presence of any liquid, oil and/or body fluid and if present, all equipment shall be cleansed by the application of an antibacterial agent prior to and between clients;

E. Face cradles and arm rests on all massage chairs and tables must be cleaned with an antibacterial agent between each client regardless of whether or not a single service material was used;

F. Using all ice cubes only once and then disposing of properly; and

G. Cleansing after each use and keeping well maintained all ice and heat pack equipment.

13. Store and dispense from suitable containers all massage lubricants, which shall include but not be limited to oils, soaps, alcohol, powders, lotions, shampoos and salts in order to prevent contamination;

14. Remove lubricants from containers in a sanitary manner;

15. Keep multiple use containers, such as pump bottles and tubes, free of debris and sanitize between each client use and before refilling;

16. Store massage lubricants separately from cleaning supplies;
17. Store massage lubricants in a fashion to preserve their integrity;
18. Use only clean linens and drapes;
19. Store all single service materials and linens off the floor in closed or covered shelves, containers, cabinets or closets;
20. Furnish clean and fresh all single-service materials and linens such as sheets, towels, gowns, and pillowcases used in the practice of massage for each individual client;
21. All soiled linens and drapes shall be professionally laundered or washed on a hot water setting with detergent and at least one (1) cup of bleach or an antibacterial agent used in accordance with product label instructions in a clothes washing machine and dried on a high heat setting in a dryer;
22. No massage therapist shall store dirty linens, trash cans, or refuse in the closed shelves, containers, cabinets or closets containing clean linens and single-service materials.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 197—Board of Therapeutic Massage
Chapter 4—Apprenticeship

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240 and 324.245, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-4.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 825-828). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S. Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received seven (7) comments on this proposed rule.

COMMENT: Paul Steingraby submitted a comment stating the requirements of subsection (1)(C) seem like an excessive amount of documentation, which itself is no assurance that the person would make a good mentor. Mr. Steingraby suggested the board allow a mentor to stand on his/her own business and community success and reputation.

COMMENT: Sid Wasserman and Phyllis Riggs submitted a comment regarding subsection (1)(C) questioning how much of this documentation is needed and if the documentation makes a good mentor.

COMMENT: Katherine Miranti suggested that paragraph (1)(C)8. specify general liability as well as professional liability insurance.

COMMENT: Willie Morgan submitted a comment opposing paragraph (1)(C)14. stating that submission of work logs or client records is an invasion of client confidentiality. Client identification, if required, should be done only with client consent.

COMMENT: Katherine Miranti stated that paragraph (1)(C)14. might violate client confidentiality laws and rules having to do with privacy and medical records. Ms. Miranti stated that either the therapist needs to be assured that the information will be protect-

ed from disclosure or the therapist needs to be required to disclose to the clients upon intake that their medical records might become open records of the board. Ms. Miranti suggested that this requirement be deleted and the board consider requiring a random identification number be assigned rather than using each client's name, and only the appointment date, time, and length of session be required. Under no circumstances should a client's personal information or treatment records be required to be disclosed to the board for this purpose.

RESPONSE AND EXPLANATION OF CHANGE: The rule does not require all documents be submitted but rather allows the applicant a variety of methods of documenting five (5) years of experience. The particular form selected to be submitted will vary by applicant. For clarification, the board has amended subsection (1)(C) of the rule. Furthermore, information submitted by the applicant is considered confidential pursuant to section 620.010.14(7), RSMo Supp. 1999.

COMMENT: The board noted that subsection (1)(D)2. required changes based on the board's review and changes of 4 CSR 197-2.010.

RESPONSE AND EXPLANATION OF CHANGE: For clarification, the board amended subsection (1)(D)2.

COMMENT: Christopher D. Green commented that subsection (1)(F) requires the mentor give one hundred twenty (120) days notice prior to implementing a change. Mr. Green stated that the mentor must remain competitive with other mentors and schools. Mentors could be at a disadvantage if new teaching techniques, styles of massage or improved curriculums become available. He suggested that this subsection be amended to read "no less than sixty (60) but no more than ninety (90) days notice."

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends subsection (1)(F) of the rule.

4 CSR 197-4.010 Certified Mentor

(1) A certified mentor shall:

(C) Submit evidence documenting at least five (5) years massage therapy professional practice with an average of four hundred fifty (450) hours per year of massage teaching and/or massage practice hours. Documentation may include but is not limited to a combination of the following:

1. Income tax forms;
2. Professional massage therapy association membership(s);
3. Certificates of continuing education in massage therapy;
4. Business license(s);
5. Office rent or lease agreement(s);
6. Yellow page advertisements with dates;
7. Printed advertisements with dates;
8. Professional insurance;
9. Cancelled checks related to the massage therapy practice which shall include but not be limited to payment for rent, services rendered and/or massage therapy supplies;
10. Verifiable letter(s) from employer(s);
11. Verifiable letter(s) from a school owner, program director and/or former students;
12. Verifiable letter(s) of referral for massage therapy services from a licensed healthcare professional;
13. Verifiable letters of confirmation from clients of massage therapy experience;
14. Work log or client records consisting of client's name, address and/or telephone number, appointment date, and time period worked on client; or
15. Student roster consisting of student's name, address and/or telephone number, date of attendance and time period of attendance;

(D) Submit documentation that the mentorship program consists of at least five hundred (500) clock hours of supervised instruction as follows:

1. Three hundred (300) clock hours dedicated to massage theory and practice techniques provided directly by the certified mentor;

2. One hundred (100) clock hours dedicated to the study of anatomy and physiology provided by an instructor(s) who holds a bachelor's degree/minor in a healthcare related field including but not limited to the fields of physical therapy, chiropractic, osteopathy, medical doctor, physician assistant, nursing, etc. or a bachelor's degree/minor in a field related to anatomy and physiology including but not limited to biology, chemistry, health, microbiology, medicine, etc.;

3. Fifty (50) clock hours dedicated to business practice, professional ethics, hygiene and massage law in the state of Missouri provided by an instructor who demonstrates documentable experience in a related field; and

4. Fifty (50) clock hours dedicated to ancillary therapies provided by an instructor who demonstrates documentable experience in a related field. The fifty (50) clock hours shall include but not be limited to cardiopulmonary resuscitation (CPR) and first aid which shall be provided by an instructor who holds the respective certification;

(F) The certified mentor must provide the board with any change(s) in the course of study, instructor(s), or time line at least sixty (60) days prior to implementing the change, for board approval. If the board determines that the change(s) is substantive in nature, the board may require the certified mentor to reapply for approval as a certified mentor in accordance with this rule and pay the appropriate fee.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.265.1(3), RSMo Supp. 1999.

COMMENT: Sid Wasserman and Phyllis Riggs submitted comments regarding section (1) stating that the time constraints seem unreasonable. One of the benefits of a mentoring/apprenticeship program is that a student can learn at his/her own pace and within a time frame that works for both the student and mentor.

COMMENT: Katherine Miranti submitted comments regarding section (3) stating the requirement to complete a five hundred (500) hour program with eighteen (18) months is not feasible. Most people who are interested in apprenticesing into this field are doing so as a career change or as a supplemental career. Since it is imperative that students practice as they learn and since most students enrolled in Coordinating Board of Higher Education (CBHE) programs don't even complete the programs in this short time frame, additional time should be given to mentoring students. Ms. Miranti suggested the board consider using more general language since the certified mentors are required to submit a schedule for each student. This rule basically discourages the potential practitioners from pursuing what might be a much more valuable way of learning than attending a secondary school.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended section (3) of the rule.

COMMENT: Katherine Miranti submitted comments regarding section (1) stating that is easier to train therapists in even numbers allowing an equal number of students on the table and student practicing massage. Ms. Miranti stated that the limit of six (6) students per calendar year is very low.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable.

4 CSR 197-4.020 Certified Mentor—Apprenticeship Program

(3) The mentorship shall be at least five (5) months in duration and shall be completed within twenty-four (24) months of commencement.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 197—Board of Therapeutic Massage

Chapter 4—Apprenticeship

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.245, 324.247, 324.250 and 324.265, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-4.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 829-831). The section with changes is reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received five (5) comments on this proposed rule.

COMMENT: Kirby Holbrook, SOMA Wellness Center, commented that the rule is an attempt to allow for the operating of a school without the accountability of the Coordinating Board of Higher Education (CBHE) and suggested that this rule be eliminated. Mr. Holbrook stated that all professional training facilities should adhere to current statutes regarding proprietary schools and that this program will reduce the accountability of professionalism.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 197—Board of Therapeutic Massage

Chapter 5—Massage Therapy Business Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255, 324.257 and 324.260, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-5.010 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 832). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m.

on May 10, 2000. All comments are summarized herein. The board received twenty (20) comments on this proposed rule.

COMMENT: Paul Steingruber submitted comments stating this rule is excessive for the massage therapy businesses. Most practices in the home are on a limited basis and therapists would find this regulation cost-prohibitive. Mr. Steingruber suggested that some allowance(s) be made for home facilities, in which a limited number of massages are performed for traveling clients or clients whose home facilities do not have adequate space.

COMMENT: Christopher D. Green commented on subsection (1)(C). Mr. Green stated that since everyone's standards are different, there should be a general definition of appropriate clothing and personal hygiene.

COMMENT: Willie Morgan submitted comments regarding subsection (1)(D) stating licensed massage therapists have already agreed to practice good hygiene and not solicit sexual conduct. Mr. Morgan stated that when a clerk, cashier, or secretary is discovered doing an illegal or immoral act the chief executive officer is not arrested or fined and questioned why the owner of a massage business who employees licensed therapists, is responsible for the ethical behavior of the employees. Accepting the license means accepting the requirement of ethical conduct and business practice, which is part of the individual and personal responsibility as professionals.

COMMENT: Katherine Miranti suggested that the provisions of subsection (1)(I) include documentation of compliance with the local health department, which will likely become more important than fire codes.

COMMENT: Willie Morgan submitted comments regarding subsections (1)(I), (1)(K), and (1)(L) stating that when a business is located within a public building it is the responsibility of the building management to maintain this documentation and information.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable.

COMMENT: Sid Wasserman and Phyllis Riggs submitted comments stating subsection (1)(A) does not clarify the definition of massage therapy service.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended subsection (1)(A) of the rule. Furthermore, section 324.240(7) defines the term massage therapy.

COMMENT: Katherine Miranti stated that the provisions of section (1) are imperative. However, Ms. Miranti suggests the board include a provision that prohibits an employer from firing an employee for refusing to work on a person who has a known or suspected contraindication. Ms. Miranti believes that anyone who fires a person for refusing to work on a client with a contraindication should have their license suspended or revoked. Additionally, they should not be granted a massage therapy license if such a complaint is filed against them.

RESPONSE: The board disagrees. The comment is beyond the scope of the board's authority.

COMMENT: Sid Wasserman and Phyllis Riggs submitted comments regarding subsection (1)(C) questioning where the records are to be maintained if therapists are at more than one location.

RESPONSE: This comment does not address a specific issue in the rule, rather seeks clarification. The business licenses and records are kept at each business location as stated in the rule.

COMMENT: Brad Potter requested clarification of the requirements of subsection (1)(E) for therapists who go to client's homes to perform services, where would they be required to display their license. Mr. Potter suggested that an identification with a photo-

graph would be an option for therapist that do work at a client's location or are involved in providing services at events or could provide the license upon request or display them in a public area. Mr. Potter also requested clarification of how therapists should provide visual proof of liability insurance on-site at a client's home.

RESPONSE: 4 CSR 197-5.010 relates to massage therapy business requirements and does not apply to out call services.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the time period for keeping client records as established in section (1)(G) be reduced from five (5) to three (3) years, since record keeping is likely to become unwieldy and burdensome to a practitioner who sees a client only once or twice.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and has amended subsection (1)(G) of the rule.

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association suggested the word "bactericidal" be replaced "antibacterial" in section (6) as a bactericidal agent would harm the skin of anyone coming in contact with it as such an agent destroys all living tissues it touches.

COMMENT: Willie Morgan submitted comments regarding section (6) stating that the location of the lavatory for hand washing seems more appropriate for food preparation than massage therapy. Mr. Morgan pointed out that this regulation might be more difficult to comply with especially in a public building where one may have to use a centralized facility.

COMMENT: Katherine Miranti stated the requirements of section (5) go beyond the requirements imposed on physicians and other health professionals. Ms. Miranti suggested the board increase the footage requirements for twenty (20) to at least one hundred (100) feet. If the board has the option of adopting a rule that has more general language and addresses this on a case-by-case basis, it might serve us all best.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends section (6) of the rule.

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association suggested that section (8) be deleted since a variety of animals, such as tropical fish, have historically been used for therapeutic/relaxation purposes. More recently research is being pursued to study the use of animals such as dogs and cats to aid patients to improve their health by doing such things as boosting the immune system. Such pet therapy may well prove to be beneficial adjunct to massage but this section would negate this potential valuable therapeutic approach. This section would also require some massage therapy home based business owners to give up his/her pet in order to continue business. This section would be a grave hardship for many therapists.

COMMENT: Mark Knapp submitted a comment seeking clarification of section (8) and if fish are included in the phrase "no animals."

COMMENT: Willie Morgan and Helen Kersey submitted a comment regarding section (8) questioning what if the therapist also provides pet massage. Ms. Kersey also asked with recent studies as to the therapeutic benefits of animals, if the board is going to disallow the therapist's, goals of helping their clients.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends section (8) of the rule as outlined below.

COMMENT: Brad Potter submitted a comment stating that according to the provisions of this rule, outside massages would be illegal. Mr. Potter stated if precautions are taken to maintain reasonable cleanliness and if reasonable steps are taken to ensure the safety and health of client, outdoor massages should not be excluded. Mr. Potter stated that local ordinances cover business location, sanitary concerns and zoning restrictions, therefore, these regulations are duplicative and should be left to community standards.

COMMENT: Katherine Miranti submitted comments urging the board to delete the provisions of section (3) stating this provision is far to prohibitive and would not even allow a therapist to set up a chair at special events or locations such as country clubs, parks, or businesses along trails. On-site promotion is essential to maintaining a strong client base, particularly in a rural area. It is not clear what the board intends to try to prohibit and why. This provision is not necessary or reasonable.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends sections (3) and (4) of the rule.

4 CSR 197-5.010 Massage Therapy Business—Survey Inspections

(1) Each massage therapy business owner or manager shall:

(A) Employ or permit to practice on the premises only licensed or provisionally licensed massage therapists to perform massage therapy;

(G) Be responsible for maintaining client records for at least three (3) years. This includes safeguarding verbal and written confidential information of the client, unless disclosure is required by law, court order, or authorized by the client.

(3) Massage therapy shall be conducted in areas that are adequately lighted and ventilated and constructed so that they can be kept clean. Floors, walls, ceilings and windows must remain free of dust and other unclean substances and be in good repair at all times.

(4) The area(s) used for massage shall be used exclusively for massage and other clinical or healthcare related purposes.

(6) Businesses shall be equipped with and maintain a sink for hand cleansing within a reasonable distance of the treatment room. Such sink must be kept clean and in good working condition. Massage therapists must utilize universal precautions at all times, however, a massage therapist may utilize a antibacterial waterless hand cleanser while in the confines of the massage therapy area and if leaving the area must use universal precautions before performing massage therapy on the next client.

(8) No animals shall be permitted in a massage therapy treatment area at any time except service animals whose whole purpose is to provide assistance to a customer.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT **Division 197—Board of Therapeutic Massage** **Chapter 5—Massage Therapy Business Requirements**

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255,

324.257 and 324.260, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-5.020 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 832–836). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received twenty-one (21) comments on this proposed rule.

COMMENT: Jane Case is opposing the requirement of a business license.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.250, RSMo Supp. 1999.

COMMENT: The Jewish Community Center submitted a comment requesting clarification of who should be fingerprinted in a business and why this is a requirement since many corporate businesses have a board of directors.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends the rule by deleting section (6)(B).

COMMENT: Margretha Koehn submitted a comment opposing section (4) stating that someone only doing one hundred fifty (150) hours of massage or practicing part time would not be able to afford room(s) used only for massages.

COMMENT: Katherine Miranti requested clarification of section (16) questioning whether legal name refers to the registered doing business as (dba) name, to the individual's personal name or names, or to either or both. Ms. Miranti stated that therapists should not have their freedom to use dba restricted any more than other businesses. It should be sufficient for a therapist to simply notify the board when he/she has changed or added a dba with the Secretary of State's Office. Ms. Miranti suggested that the board also require that a copy of all dba's that are registered with the Secretary of State be included with the application packet. Ms. Miranti stated that some therapists have registered trademarks that might differ from our business operation names. Ms. Miranti requested clarification as to whether therapist will be required to pay another \$150 in order to use another dba name.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested the phrase "after reasonable notice has been given to the proprietor of the massage therapy business, massage therapist or body somatic practitioner" be inserted after "business hours" in section (8).

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable.

COMMENT: Christopher D. Green commented that section (5) places an unfair financial burden on the home practitioner as most homes do not have the space to install a separate facility. The section could be amended to read "Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes. There must be a lavatory on the premises, kept in a clean and hygienic state, for the sole use of the client or practitioner while the session is in progress."

COMMENT: Esteban A. Ruvalcaba of the American Massage Therapy Association submitted comments regarding section (5) stating this regulation could place a significant hardship on therapists already working out of their homes in older homes which may have only one bathroom. Mr. Ruvalcaba stated that this section also discriminates against home based massage therapy relative to therapists who work in facilities with shared bathrooms. Such public facilities are likely to be less hygienic than those in a private home even if the home's facilities are shared by the therapist's family and clients. Mr. Ruvalcaba suggested the section be rewritten to state: "Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes."

COMMENT: Bo Burnett and Margretha Koehn submitted comments opposing section (5) stating that someone only doing one hundred fifty (150) hours of massage or practicing part-time, would not be able to afford a restroom used only for massages.

COMMENT: Willie Morgan commented that section (5) seems unnecessary stating that a client receiving a massage in a public building is not going to be able to use a lavatory that is exclusive for massage clients. Mr. Morgan stated that the lavatory needs to be kept clean.

COMMENT: Katherine Miranti stated the requirements of section (5) goes beyond the requirements imposed on physicians and other health professionals. Ms. Miranti suggested the board increase the footage requirements from twenty (20) to at least one hundred (100) feet. If the board has the option of adopting a rule that has more general language and addresses this on a case-by-case basis, it might serve us all best.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends section (5) of the rule.

COMMENT: Christopher D. Green commented that section (7) places unfair financial burden on the home practitioner. This rule requires a survey of each place of business but does not specify who will conduct the survey and what the requirements will be.

COMMENT: Sid Wasserman and Phyllis Riggs commented on section (7) of the rule questioning who will complete the surveys and whether board members are allowed to just walk into a business to perform surveys and suggested that they be accomplished by independent surveyors.

COMMENT: Students of Midwest Institute of Bodywork and Somatic Therapy requested clarification concerning who will complete the survey inspection and who will pay for it.

COMMENT: Willie Morgan requested clarification concerning section (7) questioning whether an inspector would contact the therapist/owner to set up a time for the survey inspection stating that an inspection during a session would be a violation of client confidentiality.

COMMENT: Willie Morgan and Katherine Miranti suggested the board schedule the survey inspections stating that an inspection during a session would be a violation of client confidentiality. Ms. Miranti stated that many therapist work full-time day jobs separate from their practices and will not be able to schedule an appointment for a survey inspection during normal business hours.

COMMENT: Helen Kersey questioned if therapists will be required to relocate if they are unable to comply with the American with Disabilities Act (ADA) requirements of section (7). Ms. Kersey also questioned who will be performing the surveys and if they will be trained to survey.

COMMENT: Brenda Boyd submitted comments regarding section (7) requesting clarification as to why her office has to be wheelchair accessible. Ms. Boyd quit working with multiple handicapped people not because she didn't enjoy them but because she could no longer do the required lifting.

COMMENT: Willie Morgan commented that refusal of an inspection, as required by section (9), would be appropriate while a client is present.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.255, RSMo Supp. 1999.

COMMENT: In reviewing the rule, the board found a typographical error in section (9).

RESPONSE AND EXPLANATION OF CHANGE: The board amends section (9) of the rule.

4 CSR 197-5.020 Issuance of an Original Business License

(5) Massage practiced in the home shall be in an area used only for massage therapy or for clinical or other health related purposes and shall have lavatory facilities.

(6) A person applying for a business license shall be at least eighteen (18) years of age and shall submit:

(A) A completed notarized application and application fee.

(9) Refusal to permit a survey inspection shall constitute valid grounds for denial of licensure or renewal of license.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 197—Board of Therapeutic Massage

Chapter 5—Massage Therapy Business Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.240, 324.245, 324.247, 324.250, 324.252, 324.255, 324.257, 324.260 and 324.262, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-5.030 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 837-841). The sections with changes are reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S. Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received five (5) comments on this proposed rule.

COMMENT: Christopher D. Green commented that subsection (1)(B) requires a duplicate fee, however, does not specify the amount of the fee and should be no more than \$10.00 to simply change the name or location as all other relevant information is the same.

RESPONSE: 4 CSR 197-1.040(3)(F) states that the duplicate license fee is \$5.00.

COMMENT: Willie Morgan submitted comments regarding subsection (1)(D) stating that the rules have already addressed the issue of engaging in sexual conduct. Mr. Morgan stated if massage therapists state that they are massage therapists, they do not need to state what they are not and if it is continually emphasized who they are and what they do, that should be sufficient.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends the rule by deleting all of section (1)(D).

COMMENT: Katherine Miranti requested clarification of section (16) questioning whether legal name refers to the registered doing business as (dba) name, to the individual's personal name or names, or to either or both. Ms. Miranti stated that therapists should not have their freedom to use dba restricted any more than other businesses. It should be sufficient for a therapist to simply notify the board when he/she has changed or added a dba with the Secretary of State's Office. Ms. Miranti suggested that the board also require that a copy of all dba's that are registered with the Secretary of State be included in the application packet. Ms. Miranti stated that some therapists have registered trademarks that might differ from our business operation names. Ms. Miranti requested clarification as to whether therapist will be required to pay another \$150 in order to use another dba name. Ms. Miranti further stated that the transfer of management was not addressed in the original licensure provisions. It is not possible in most businesses to give ninety (90) days notice when a manager quits or is fired and needs to be replaced as expeditiously as possible so as not to lose revenue. The business owner should be ultimately liable under the license since there are no rules addressing that the owners and operators are jointly and severally liable for compliance. It is also not reasonable to expect a potential buyer or seller to have ninety (90) days to sit and wait for the state to issue a temporary operating permit. A sale will likely need to contain so many provisions that it will not be feasible. Personal service businesses normally cannot be sold for more than one or two percent (1% or 2%) of average annual gross revenue and makes the sale of a massage business even more of a risk in a negotiation.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable.

COMMENT: Christopher D. Green commented that subsection (3)(B) requires a ninety (90) day notification prior to the sale of a business. Mr. Green questions the board's authority for promulgating this regulation since no other kinds of businesses in the health field require such notification. This requirement places an unfair burden on the seller to wait an extra two (2) months and holds up any plans that they may have to relocate or retire and cause the buyer to lose two (2) months of possible profit as well as potential clients. Mr. Green suggested if the board wishes to implement this requirement, then the notification period should be changed to thirty (30) days since any profitable business can be sold in that time or less.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends the rule by deleting all of section (3)(B).

COMMENT: Katherine Miranti stated the survey inspection requirements of section (5) need to be scheduled at a time that is mutually convenient and that does not interfere with the client's right to privacy. If this provision is being included in an effort to close brothels, it won't give law enforcement any leverage it does not already have.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable.

4 CSR 197-5.030 Massage Therapy Business—Change of Name, Ownership or Location

(1) Change of a Massage Therapy Business Name.

(A) The massage therapy business owner shall notify the board of the proposed name change prior to changing the business name or before revising any printing materials or advertisements.

(B) A duplicate license fee shall be submitted to the board along with written notification of the change of name at least thirty (30) days prior to the proposed change.

(C) The license reflecting the name change shall replace the original license and be displayed in a conspicuous place on the premises of the licensed massage therapy business.

(3) Change of Ownership.

(A) When a massage therapy business is sold or ownership or management is transferred, or the corporate legal organization status is substantially changed, the license of the massage therapy business shall be void and a new license obtained.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT

Division 197—Board of Therapeutic Massage

Chapter 5—Massage Therapy Business Requirements

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.250, 324.255, 324.257, 324.260 and 324.262, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-5.040 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 842-845). Section (5) was deleted from the proposed rule. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received four (4) comments on this proposed rule.

COMMENT: Willie Morgan submitted comments regarding section (2) questioning whether an inspector will contact the therapist/owner to set a time for the survey. Mr. Morgan stated that it would be a violation of client confidentiality to have an inspector conduct an inspection during a session.

RESPONSE: The board disagrees. In the interest of public safety, the board has determined the rule is necessary and reasonable.

COMMENT: Christopher D. Green commented that section (3) unfairly penalizes practitioners when it may be no fault of their own that the renewal application is sent late by the state or is misrouted by the United States Post Office. Mr. Green suggested that renewals be mailed requiring a signature or validation of delivery.

RESPONSE: The board disagrees in that it is cost prohibitive to send renewal notices requiring a signature or validation of delivery. Furthermore, no statutory provision exists for late fees or penalties.

COMMENT: Christopher D. Green commented that section (4) imposes penalties but does not specify the procedures to renew if the application arrives late.

RESPONSE: The board disagrees. Furthermore, no statutory provision exists for late fees or penalties.

COMMENT: Katherine Miranti suggests the board include similar provisions of section (5) in other rules in this chapter. Ms. Miranti stated that phrases such as "deemed by the board" and "deemed to have engaged in" conflict with other rules that are the province of the judicial branch. Violations that are punishable by fine or imprisonment are matters of the court. A court of competent jurisdiction will determine by judge or jury whether a person has committed a crime. The Administrative Hearing Commission's authority is also superceded by the courts. Rather than wording this section in terms of board deeming, Ms. Miranti suggested the board

word it in terms like a particular behavior shall constitute a violation. Ms. Miranti suggested the board include the business's right to appeal in the rule provisions.

RESPONSE AND EXPLANATION OF CHANGE: The board agrees and amends the rule by deleting all of section (5) of the rule.

4 CSR 197-5.040 Massage Therapy Business License Renewal

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 197—Board of Therapeutic Massage
Chapter 6—Complaints and Investigations

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.257, 324.260, 324.262, 324.275 and 620.010.15(6), RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-6.010 Public Complaint Handling and Disposition Procedures is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 846–848). No changes were made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received four (4) comments on this proposed rule.

COMMENT: Teresa Gray submitted a comment regarding section (1) questioning who is going to review the complaint. Ms. Gray stated that she did not feel comfortable with the board reviewing the complaints should there be a conflict between a board member and the therapist and suggested a review by the Attorney General's Office.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.260, RSMo Supp. 1999. However, should there be a conflict of interest for one of the board members, that board member would be required to recuse him/herself from the case.

COMMENT: Katherine Miranti stated that the requirements of section (2) regarding the receipt of complaints from third parties unnecessarily exposes the board and staff to false reports, slander and libel suits. Ms. Miranti encouraged the board to accept only written complaints that are signed by the individual with personal knowledge of the situation. Ms. Miranti suggested the board also adopt a rule indicating that it will forward a copy of the complaint to the licensee within twenty-four (24) hours of receipt and should outline by rule what will be its hearing procedures for handling complaints. The board might also point out in rule when a record of an in-person verbal allegation or telephone record will be trained by staff as open or closed records. Additionally, Ms. Miranti believes the person making allegations should provide an original signature on the written complaint and that the signature should be notarized as an oath or affirmation of the truth being made under penalties of perjury. This propensity to allege also needs to be addressed as a matter of ethics.

COMMENT: Helen Kersey submitted comments regarding section (2) questioning why therapists are being subjected to third party complaints and asked if this was due to prostitution.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.260, RSMo Supp. 1999.

COMMENT: Willie Morgan submitted a comment in support of sections (3)–(5).

RESPONSE: The board appreciates the comment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 197—Board of Therapeutic Massage
Chapter 6—Complaints and Investigations

ORDER OF RULEMAKING

By the authority vested in the Board of Therapeutic Massage under sections 324.245, 324.257, 324.260, 324.262, 324.275, and 620.010.15(6), RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 197-6.020 Investigation is adopted.

A notice of the proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 3, 2000 (25 MoReg 849–851). No changes were made to text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The comment period for this proposed rule ended on May 3, 2000. A public hearing was held on May 10, 2000 from 1:00 p.m. to 4:00 p.m. in Room 492 of the Harry S Truman State Office Building, 301 West High Street, Jefferson City, Missouri. The Board of Therapeutic Massage received written comments on the proposed rule until 5:00 p.m. on May 10, 2000. All comments are summarized herein. The board received two (2) comments on this proposed rule.

COMMENT: Willie Morgan submitted a comment in support of sections (1) and (2).

RESPONSE: The board appreciates the comment.

COMMENT: Katherine Miranti suggested a new section be added to this rule describing how the written responses of licensees and their appearance before the board will be handled as closed records and meetings and at what point the records will be considered open records.

RESPONSE: The board lacks authority to address this issue because it is governed by section 324.260, RSMo Supp. 1999.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.010, 338.240 and 338.280, RSMo 1994 and 338.140, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 220-2.010 Pharmacy Standards of Operation is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April

17, 2000 (25 MoReg 966). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.095, 338.240 and 338.280, RSMo 1994 and 338.100 and 338.140, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 220-2.018 Prescription Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 967). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.140 and 338.220, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 220-2.020 Pharmacy Permits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 967–968). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.043 and 338.140, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 220-2.036 Temporary License is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April

17, 2000 (25 MoReg 968–969). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.100 and 338.140, RSMo Supp. 1999 and 338.280, RSMo 1994, the board amends a rule as follows:

4 CSR 220-2.080 Electronic Data Processing is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 970–971). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The board received one (1) comment.

COMMENT: One comment was received. The comment commended the Board on its efforts to update board regulations regarding electronic record keeping. However, it was felt there could be a conflict between the requirements of this rule and the requirements of 4 CSR 220-2.010 and 4 CSR 220-2.018 as concerned record keeping and hard copy prescriptions. The question was posed that if an individual complied with all requirements of 4 CSR 220-2.080 as concerns an electronic record keeping system, would that individual then also have to comply with the portions of 2.010 and 2.018 which deal with manual, hard copy records.

RESPONSE: As a matter of clarification, it is not the Board's position to impose additional requirements on those entities who utilize an electronic record keeping system and who are in compliance with the requirements of this regulation. If an entity is in full compliance with this rule, it is not necessary that the individual manually record the information required by 2.018 (1) and (2) on the hard copy prescription. The Board also noted that many of the rules will be further amended in order to provide more changes to record keeping requirements, based on the recommendations of the Board's Advisory Committee on Records.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.043, 338.060 and 338.140, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 220-2.100 Continuing Pharmacy Education is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April

17, 2000 (25 MoReg 971–972). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.010, RSMo 1994 and 338.059, RSMo Supp. 1999, the board adopts a rule as follows:

4 CSR 220-2.145 Minimum Standards for Multi-Med Dispensing is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 972). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 4—Fees Charged by the Board of Pharmacy

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.013, 338.035, 338.060, 338.070, 338.140, 338.220 and 338.350, RSMo Supp. 1999 and 338.020, 338.040, 338.185 and 338.280, RSMo 1994, the board amends a rule as follows:

4 CSR 220-4.010 General Fees is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 973). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 5—Drug Distributor

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.330, 338.335 and 338.350, RSMo Supp. 1999 and 338.333, 338.337 and 338.340, RSMo 1994, the board amends a rule as follows:

4 CSR 220-5.020 Drug Distributor Licensing Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 973). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received, however, the board again reported that the Drug Distributor Advisory Committee previously reviewed and approved the proposed amendment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 5—Drug Distributor

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.343, RSMo 1994 and 338.350, RSMo Supp. 1999, the board amends a rule as follows:

4 CSR 220-5.030 Definitions and Standards for Drug Wholesale and Pharmacy Distributors is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 973–974). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received, however, the board again reported that the Drug Distributor Advisory Committee previously reviewed and approved the proposed amendment.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 220—State Board of Pharmacy
Chapter 5—Drug Distributor

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.330, 338.335 and 338.350, RSMo Supp. 1999 and 338.333 and 338.337, RSMo 1994, the board amends a rule as follows:

4 CSR 220-5.050 Out-of-State Distributor License Registration Requirements is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 17, 2000 (25 MoReg 974–976). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received, however, the board again reported that the Drug Distributor Advisory Committee previously reviewed and approved the proposed amendment.

**Title 4—DEPARTMENT OF ECONOMIC
DEVELOPMENT**
Division 220—State Board of Pharmacy
Chapter 5—Drug Distributor

ORDER OF RULEMAKING

By the authority vested in the State Board of Pharmacy under sections 338.050, 338.333, 338.337 and 338.340, RSMo 1994 and 338.335, RSMo Supp. 1999, the board adopts a rule as follows:

**4 CSR 220-5.070 Standards of Operation for Medical Gas
Distributors is adopted.**

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on April 17, 2000 (25 MoReg 977). No changes have been made to the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received, however, the board again reported that the Drug Distributor Advisory Committee previously reviewed and approved the proposed rule.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 60—Public Drinking Water Program
Chapter 5—Laboratory and Analytical Requirements

ORDER OF RULEMAKING

By the authority vested in the Missouri Safe Drinking Water Commission under section 640.100, RSMo Supp. 1999, the commission amends a rule as follows:

**10 CSR 60-5.010 Accepted and Alternate Procedures for
Analyses is amended.**

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on March 1, 2000 (25 MoReg 539–553). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: At the public hearing on April 6, 2000 the department testified that the amendment updates the accepted methods for analysis of disinfectants and disinfection by-products (DBP). The methods being adopted are part of the EPA Disinfection By-Products Rule. The amendment also ensures that it is clear that the methods listed in this rule are incorporated by reference by adding that phrase in section (2). No comments were received and the rule is amended as proposed.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 2—Definitions

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under section 319.129, RSMo Supp. 1999, the board amends a rule as follows:

10 CSR 100-2.010 Definitions is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2000 (25 MoReg 1108). There were no changes to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing was held for this proposed amendment. No written comments were received.

Title 10—DEPARTMENT OF NATURAL RESOURCES
Division 100—Petroleum Storage Tank Insurance Fund
Board of Trustees
Chapter 5—Claims

ORDER OF RULEMAKING

By the authority vested in the Missouri Petroleum Storage Tank Insurance Fund Board of Trustees under sections 319.129, 319.131 and 319.132, RSMo Supp. 1999, the board amends a rule as follows:

10 CSR 100-5.010 Claims for Cleanup Costs is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on May 1, 2000 (25 MoReg 1108–1113). There were no changes to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No public hearing on the proposed amendment was held. Only one written comment was received on May 30, 2000, from Robert L. Johnson of Johnson Consulting. The comment was reviewed and considered by the Petroleum Storage Tank Insurance Fund Board of Trustees.

COMMENT: Mr. Johnson suggested that the requirement to get costs approved in advance was too stringent.

RESPONSE: The Board disagrees, noting this amendment simply clarifies that its long-standing requirement for pre-approval of costs applies to all sites. The Board further notes that its existing rules and procedures are flexible enough to allow the Board to exercise discretion, as needed. Therefore, no change to the proposed amendment was made.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004, 313.805 and 313.807, RSMo 1994, the commission amends a rule as follows:

11 CSR 45-5.053 Policies is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 3, 2000 (25 MoReg 853). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 17—Voluntary Exclusions

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under sections 313.004 and 313.805, RSMo 1994, the commission amends a rule as follows:

11 CSR 45-17.030 Procedure for Entry of Names onto List of Disassociated Persons is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 3, 2000 (25 MoReg 854). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.177, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-24.450 Staggering Expiration Dates of Driver/Nondriver Licenses is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2000 (25 MoReg 1114). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 12—DEPARTMENT OF REVENUE
Division 10—Director of Revenue
Chapter 24—Drivers License Bureau Rules

ORDER OF RULEMAKING

By the authority vested in the director of revenue under section 302.173, RSMo Supp. 1999, the director adopts a rule as follows:

12 CSR 10-24.452 Highway Sign Recognition Test is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on May 1, 2000 (25 MoReg 1114-1115). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 15—Division of Aging
Chapter 15—Residential Care Facilities I and II

ORDER OF RULEMAKING

By the authority vested in the Division of Aging under section 198.076, RSMo 1994, the division amends a rule as follows:

13 CSR 15-15.022 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on April 3, 2000 (25 MoReg 855-866). Those sections with changes are reprinted here. This proposed amendment becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The division received four (4) comments from two (2) organizations during the thirty-day comment period.

COMMENT: In section (5), subsection 2. (C), we feel that this is an unclear statement. We recommend that you separate the lock requirement for exit doors from resident room doors. Remove "...or resident room doors." The lock described would be a panic bar system, which would not be applicable to a resident room door. You may think about adding a sentence which could read, "If it is necessary to lock a resident room door, the lock shall be of a type that can be released from the inside by a simple act that does not require a key."

RESPONSE AND EXPLANATION OF CHANGE: The Division of Aging agrees that locking requirements for exit doors should be separate from locking requirements for resident room doors. The division is removing the resident room door locking requirements from subsection (5)(C) and adding it in a new subsection (5)(D), along with the requirement that any resident room door that is locked shall be designed so that it can be opened from the outside during an emergency. Current subsections (5)(D) through (H) will be changed to subsections (5)(E) through (I).

COMMENT: In section (9), the rule makes reference to new construction after October 2000 in terms of requiring sprinkler systems. Missouri Health Care Association would recommend that they also require that after October 2000, secured exit doors be released with the fire alarm system.

RESPONSE: The division has determined that no changes are needed to this section since it is not the division's intention to impose additional requirements on facilities exceeding those of the *Life Safety Code*. In addition, this would require substantial costs to facilities which the division did not include in the private entity fiscal note published with this proposed amendment.

COMMENT: Section (9)—In regards to the proposed fire safety regulations concerning the new water supply requiring 1560 gallons to comply with NFPA 13R. This is not out of reason if you have a residential care facility on city water, but how about all the rural care facilities? The Certificate of Need has made it easier for facilities to expand their existing facilities if they meet the criteria. When the new regulations go into effect, it would be too costly for the rural areas to expand their facilities and meet the new regulations. We would like to request that the new regulation have an exception for facilities not on city water. There is a rule, NFPA 13D, that should allow ample water supply to a facility with a sprinkler system.

RESPONSE AND EXPLANATION OF CHANGE: The division agrees and has included additional language in subsection (9)(D) to allow facilities which do not have access to public water supplies to comply with the provisions of 1994 edition of NFPA 13D *Standard for the Installation of Sprinkler Systems in One- and*

Two-Family Dwellings and Manufactured Homes. It was not the division's intention to eliminate this provision since the previous regulation allowed for compliance with NFPA 13D.

COMMENT: In section (12), subsection (A), we believe that the second sentence is unclear. Recommendation is that, "Areas where smoking is permitted shall be designated as such and smoking shall be supervised." This now leaves how the supervision will be accomplished up to the facility and the location of the smoking areas.

RESPONSE: The division has determined that no changes are needed to this subsection since the regulation currently allows the facility to designate the location where smoking will be allowed. The regulation as proposed allows for either direct supervision by facility staff or a system which requires that facility staff have an awareness of the residents who are smoking.

COMMENT AND EXPLANATION OF OTHER CHANGES: During a technical review, the division noted two technical errors which occurred during printing. In subsection (8)(J), the numeric reference of "(11 1/4)" pertaining to solid core doors needs to be changed to "(1 1/4)" solid core wood doors." In subsection (5)(H), the reference to section (32) should be deleted. The changes have been made and subsection (5)(H) has been relettered to (5)(I).

13 CSR 15-15.022 Fire Safety Standards for New and Existing Residential Care Facilities I and II

(5) Exits, Stairways and Fire Escapes.

(C) If it is necessary to lock exit doors, the locks shall not require the use of a key, tool, special knowledge or effort to unlock the door from inside the building. Only one (1) lock shall be permitted on each door. I/II

(D) If it is necessary to lock resident room doors, the locks shall not require the use of a key, tool, special knowledge or effort to unlock the door from inside the room. Only one (1) lock shall be permitted on each door. Every resident room door shall be designed to allow the door to be opened from the outside during an emergency when locked. The facility shall ensure that facility staff have the means or mechanisms necessary to open resident room doors in case of an emergency. I/II

(E) All stairways and corridors shall be easily negotiable and shall be maintained free of obstructions. II

(F) Outside stairways shall be constructed to support residents during evacuation and shall be continuous to the ground level. Outside stairways shall not be equipped with a counter-balanced device. They shall be protected from or cleared of ice or snow. II/III

(G) Facilities with three (3) or more floors shall comply with the provisions of Chapter 320, RSMo which requires outside stairways to be constructed of iron or steel. II

(H) Fire escapes constructed on or after November 13, 1980, whether interior or exterior, shall be thirty-six inches (36") wide, shall have eight-inch (8") maximum risers, nine-inch (9") minimum tread, no winders, maximum height between landings of twelve feet (12'), minimum dimensions of landings of forty-four inches (44"), landings at each exit door, handrails on both sides and be of sturdy construction, using at least two-inch (2") lumber. Exit doors to these fire escapes shall be at least thirty-six inches (36") wide and the door shall swing outward. II/III

(I) If a ramp is required to meet residents' needs under 13 CSR 15-15.042, the ramp shall have a maximum slope of one to twelve (1:12) leading to grade. II/III

(8) Protection from Hazards.

(J) Facilities whose plans are approved or which are initially licensed after December 31, 1987, for more than twenty (20) residents and which are unsprinklered shall have one (1)-hour rated corridor walls with one and three-quarters inch (1 3/4") solid core wood doors or metal doors with an equivalent fire rating. II

(9) Sprinkler Systems.

(D) All residential care facilities I and II initially licensed or with plans approved on or after October 1, 2000, shall have complete sprinkler systems installed and maintained in accordance with the 1996 edition of NFPA 13 or NFPA 13R. In areas where public water supplies are not available, a private water supply meeting the requirements of the 1994 edition of NFPA 13D, *Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes*, will be acceptable. I/II

Title 16—RETIREMENT SYSTEMS

Division 30—Missouri State Employees' Retirement System

Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.030 Prior Service Credit for Military Service is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 990). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS

Division 30—Missouri State Employees' Retirement System

Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.031 Military Service, Purchase of is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 990). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS

Division 30—Missouri State Employees' Retirement System

Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.040 Notification of Sick Leave is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 990). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.050 Notification of Termination of Active Employment is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 990–991). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.070 Notification by Retired Member of Election or Appointment to Office is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 991). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.120 Confidentiality of Records is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 991). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.130 Charges for Documents is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 991–992). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.140 Computation of Credit is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 992). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.150 Verification of Service is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 992). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.160 Use of Sick Leave and Annual Leave Before Beginning Disability is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 992). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.181 Application for Long-Term Disability Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 992–993). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.190 Medical Review of Disability Applications is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 993). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.210 Disparity in Physicians' Opinions is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 993). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.220 Workers' Compensation Offset/Disability Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 993–994). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.240 Disability Appeal Procedure is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 994). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.241 Denial of Long-Term Disability Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 994). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.242 State Employment Effect of Disability Benefits/Long-Term Disability Benefits is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 994–995). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.250 Earning Capacity Rule is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 995). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.260 Cost-of-Living Allowance Based on Consumer Price Index is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 995). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.270 Break-in-Service is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 995–996). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500.2, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.280 Employee with More than One State Job is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 996). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules
ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.285 Options In Lieu of Normal Annuity is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 996). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules
ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.290 Appeal Procedure for Retirement Plan is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 996). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules
ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.300 Recognition of Creditable Service for a Person Restored to Employment when a Dismissal is Disapproved is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 996–997). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules
ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.310 Optional Life Insurance Annual Automatic Update of Premiums is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 997). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules
ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.311 Refunds of Premiums for Optional Life Insurance is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 997). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules
ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.320 Former Employees on Layoff Status is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 997-998). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS
Division 30—Missouri State Employees' Retirement System
Chapter 2—Administrative Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri State Employees' Retirement System under section 104.500, RSMo 1994, the system rescinds a rule as follows:

16 CSR 30-2.330 Creditable Prior Service is rescinded.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on April 17, 2000 (25 MoReg 998). No changes have been made in the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Construction Transient Employers

The following is a list of all construction contractors performing work on construction projects in Missouri who are known by the Department of Revenue to be transient employers pursuant to Section 285.230, RSMo. This list is provided as a guideline to assist public bodies with their responsibilities under this section that states, "any county, city, town, village or any other political subdivision which requires a building permit for a person to perform certain construction projects shall require a transient employer to show proof that the employer has been issued a tax clearance and has filed a financial assurance instrument as required by Section 285.230 before such entity issues a building permit to the transient employer."

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
A & J CONSTRUCTION CO	RT 1 BOX 45	FLORIS	IA	52560
A FISCHER BUILDERS INC	814 OHIO ST	QUINCY	IL	62301
ABELL PEST CONTROL INC	4921 FERNLEE AVE	ROYAL OAK	MI	48073
AC LEADBETTER & SON INC	110 ARCO DR	TOLEDO	OH	43615
ACE/AVANT CONCRETE CONSTRUCTION CO INC	109 SEMINOLE DR	ARCHDALE	NC	27263
ACI MECHANICAL CORPORATION	3116 SOUTH DUFF AVE	AMES	IA	50010
ACI MECHANICAL INC	3116 S DUFF AVE	AMES	IA	50010
ADAMS DOOR CO INC	6550 NE 14TH ST	DES MOINES	IA	50313
ADDISON CONSTRUCTION CO	1526 HORSE CREEK RD	CHEYENNE	WY	82009
ADUDDELL ROOFING & SHEET METAL INC	14220 S MERIDIAN	OKLAHOMA	OK	73173
ADVANCED ELECTRICAL SYSTEMS INC	33867 W 287TH ST	PAOLA	KS	66071
ADVANCED PROTECTIVE COATING INC	2530 BAYARD ST	KANSAS CITY	KS	66105
AEI INC	735 GLASER PKWY	AKORN	OH	44306
AERIAL SOLUTIONS INC	7074 RAMSEY FORD ROAD	TABOR CITY	NC	28463
AGRA FOUNDATIONS INC	10108 32ND AVE W C-3 #A2	EVERETT	WA	98204
AIDE INC	2510 WADE HAMPTON BLVD	GREENVILLE	SC	29606
ALL IOWA CONTRACTING CO	5613 MCKEVETTE RD	WATERLOO	IA	50701
ALLIANCE INTEGRATED SYSTEMS INC	1500 STUDEMONT	HOUSTON	TX	77007
ALLIED STEEL CONSTRUCTION CO LLC	2211 NW FIRST TERRACE	OKLAHOMA CITY	OK	73107
ALLIED UNIKING CORPORATION INC	4750 CROMWELL AVE	MEMPHIS	TN	38118
ALLSTATE SPECIALTY CONSTRUCTION INC	32700 W 255TH ST	PAOLA	KS	66071
ALPINE STEEL INC	2101 W JACKSON	PHOENIX	AZ	85005
AMAN ENVIRONMENTAL CONSTRUCTION INC	100 CALIFORNIA ST TX DEPT	SAN FRANCISCO	CA	94111
AMERICAN IRONWORKS INC	100 S MAIN	CUTLER	IL	62238
AMERICAN MASONRY CO	1016 W EUCLID	PITTSBURG	KS	66762
AMERWEST DEVELOPMENT CO	1860 OLD OKEEHOBE RD #508	W PALM BEACH	FL	33409
ANDERSEN TRENCHING & EXCAVATING INC	17263 SUMAC RD	HONEY CREEK	IA	51542
ANDREW L YOUNGQUIST CONSTRUCTION IN	275 EAST BAKER ST STE A	COSTA MESA	CA	92626
ANTIGO CONSTRUCTION INC	2520 N CLERMONT ST	ANTIGO	WI	54409
API INC	2366 ROSE PL	ST PAUL	MN	55113
APPLICATION CONTRACTORS SERVICES IN	14409 W EDISON DR #13A	NEW LENOX	IL	60451
ARCHITECTURAL GLAZING PROFESSIONALS	11655 CLARE RD	OLATHE	KS	66061
ARGUSS COMMUNICATIONS GROUP INC	DOVER RD	EPSOM	NH	3234

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
ARKANSAS CONTRACTORS	1308 CHURCH	BARLING	AR	72952
ARNOLD & MADSON INC	1995 CENTURY AVE SO	WOODBURY	MN	55125
ASPHALT STONE COMPANY	520 N WEBSTER	JACKSONVILLE	IL	62650
AUTRY CONSTRUCTION INC	140 E 3RD	BAXTER SPRINGS	KS	66713
B & B CONTRACTORS INC	13745 SEMINOLE DR	CHINO	CA	91710
B & B DRYWALL CO INC	10567 WIDMER	LENEXA	KS	66215
B & B PERMASTORE INC	6750 W 75TH STE 1A	OVERLAND PARK	KS	66204
B & D ELECTRIC INC	P O BOX 43	STAMPS	AR	71860
BALL CONSTRUCTION INC	13922 WEST 108TH ST	LENEXA	KS	66215
BARTLETT NUCLEAR INC	60 INDUSTRIAL PARK RD	PLYMOUTH	MA	2360
BAZIN EXCAVATING INC	15233 BROADMOOR	OVERLAND PARK	KS	66283
BE & K ENGINEERING COMPANY	2000 INTERNATIONAL PK DR	BIRMINGHAM	AL	35243
BEL CLAIR ELECTRIC INC	912 S BELT W	BELLEVILLE	IL	62220
BENCHMARK INC	6065 HUNTINGTON CT NE	CEDAR RAPIDS	IA	52402
BERNIE JANNING TERRAZZO & TILE INC	17509 HWY 71	CARROLL	IA	51401
BEST PLUMBING & HEATING	421 SECTION OD	SCAMMON	KS	66773
BEW CONSTRUCTION CO INC	1319 MAIN ST	WOODWARD	OK	73801
BILL DAVIS ROOFING LC	628 VERMONT	LAWRENCE	KS	66044
BILL LANE CONSTRUCTION INC	405 50TH AVE COURT SW	CEDAR RAPIDS	IA	52404
BJ ERECTION CORPORATION	16626 MILES AVE	CLEVELAND	OH	44128
BLACKSHIRE CONSTRUCTION INC	ROUTE 14 BOX 942	ELIZABETH	WV	26143
BLAZE MECHANICAL INC	15755 S 169 HWY STE E	OLATHE	KS	66062
BLICKS CONSTRUCTION CO INC	LOCK & DAM RD	QUINCY	IL	62301
BLUESTEM CONSTRUCTION INC	515 W SOUTH	NEWKIRK	OK	74647
BOB FLORENCE CONTRACTOR INC	1934 S KANSAS AVE	TOPEKA	KS	66612
BOB MUEHLBERGER CONCRETE INC	5726 MERRIAM DR	MERRIAM	KS	66203
BONNEVILLE CONSTRUCTION CO INC	4075 W DESERT INN RD SE B	LAS VEGAS	NV	89102
BOUNDS & GILLESPIE ARCHITECTS LLC	7975 STAGE HILLS BLVD #4	MEMPHIS	TN	38133
BRADEN CONSTRUCTION SERVICES INC	5110 N MINGO RD	TULSA	OK	74117
BRIGHTON PAINTING CO	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
BRINK ELECTRIC CONSTRUCTION CO	2950 N PLAZA DR	RAPID CITY	SD	57702
BROWNING WELDING SERVICE INC	163 SHAW BRIDGE ROAD	GREENBRIER	AR	72058
BRUNDAGE BONE CONCRETE PUMPING INC	6461 DOWNING ST	DENVER	CO	80229
BUILT WELL CONSTRUCTION CO	MAIN ST HWY 279 S	HIWASSE	AR	72739
C & B MASONRY	1125 W OAK ST	COLUMBUS	KS	66725
C & C CONTRACTING INC	222 SOUTH SECOND ST	ORLEANS	IN	47452
C IBER & SONS INC	3212 N MAIN	EAST PEORIA	IL	61611
CALLS METAL BLDG ERECTORS INC	8128 12TH ST	SOMERS	WI	53171
CAPITAL INSULATION INC	3210 NE MERIDEN RD	TOPEKA	KS	66617
CARNEY DEMOLITION	303 S HALSTED	CHICAGO	IL	60661
CARRICO CONSTRUCTION COMPANY INC	4015 MAY AVE	WICHITA	KS	67213
CARTER MOORE INC	1865 E MAIN ST STE F	DUNCAN	SC	29334

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CAS CONSTRUCTION INC	501 NE BURGESS	TOPEKA	KS	66608
CASE FOUNDATION CO	1325 W LAKE ST	ROSELLE	IL	60172
CASHATT & SONS CORP	BOX 74	RED OAK	IA	51566
CATHODIC SYSTEMS INC	P O BOX 114	JUNEAU	WI	53039
CCC GROUP INC	5797 DIETRICH RD	SAN ANTONIO	TX	78219
CD PETERS CONSTRUCTION CO	IL RT 3 & W PONTOON RD	GRANITE CITY	IL	62040
CENTRAL CEILING SYSTEMS INC	105 INDUSTRIAL PARK	DEERFIELD	WI	53531
CENTRAL FOUNDATION INC	915 MARION RD S	CENTRAL CITY	IA	52214
CENTRAL ILLINOIS TILE CO	3302 N MATTIS AVE	CHAMPAIGN	IL	61821
CENTRAL STATES CONTRACTING SERVICES	610 S 78TH ST	KANSAS CITY	KS	66111
CENTRAL STATES ENVIRONMENTAL SERVIC	609 AIRPORT ROAD	CENTRALIA	IL	62801
CENTURY MECHANICAL CONTRACTORS INC	15480 S 169 HWY	OLATHE	KS	66051
CHALLENGE CONSTRUCTION	PO BOX 1509	MANVEL	TX	77578
CHANCE CONCRETE CONSTRUCTION CO	ITALY & BARBER ST	HEMPHILL	TX	75948
CHANCELLOR & SON INC	7474 RALEIGH LAGRANGE RD	CORDOVA	TN	38018
CHESTER PHILLIPS CONSTRUCTION COMPANY	1501 N UNIVERSITY STE 740	LITTLE ROCK	AR	72207
CLEVINGER CONTRACTORS INC	NAPLES LANE RR1 PO BOX 19	BLUFFS	IL	62621
CLIFFORD LEE & ASSOCIATES	102 MILDRED ST	DELHI	LA	71232
COAST TO COAST BUILDERS INC	750 E FUNSTON	WICHITA	KS	67211
COASTAL GUNITE CONSTRUCTION CO	16 WASHINGTON ST	CAMBRIDGE	MD	21613
COE CONSTRUCTION INC	2302 E 13TH ST	LOVELAND	CO	80537
COLE ARMSTRONG MECHANICAL INC	3232 51ST AVE #7	SACRAMENTO	CA	95823
COLLECTOR WELLS INTERNATIONAL INC	960 KINGSMILL PKWY 104	COLUMBUS	OH	43229
COMMERCIAL CONTRACTING CO OF SAN AN	5797 DIETRICH RD	SAN ANTONIO	TX	78219
COMMUNICATIONS CONSTRUCTION INC	601 E ST	HAMBURG	IA	51640
COMO TECH INSPECTIONS INC	40 DEEP CREEK RD	MANHATTAN	KS	66502
CONCO CONTRACTORS INC	1048 CIMARRON TRAIL	GARDNER	KS	66030
CONLEY SPRINKLER INC	822 MAIN	PLEASANTON	KS	66075
CONSTRUCTION MANAGEMENT INC	228 MAIN ST	LOUISVILLE	NE	68037
CONSTRUCTION SERVICES BRYANT INC	232 NEW YORK ST	WICHITA	KS	67214
CONSTRUCTORS INC	P O BOX 46417	BATON ROUGE	LA	70895
CONTRACT DEWATERING SERVICES INC	5820 W RIVERSIDE DR	SARANAC	MI	48881
CONTRACTOR SERVICES INC	122 EAST 17TH ST	DAVENPORT	IA	52808
COOPERS STEEL FABRICATORS	503 N HILLCREST DR	SHELBYVILLE	TN	37162
CORNERSTONE COMMERCIAL CONTRACTORS	1260 JERICO	CORNING	IA	50841
CORONA POWER SERVICES INC	5220 MINOLA DR	LITHONIA	GA	30038
CORONADO INC	431 N 13TH	SALINA	KS	67401
COST OF WISCONSIN INC	W172N13050 DIVISION RD	ROCKFIELD	WI	53077
COWARTS CONSTRUCTION COMPANY INC	WILDERNESS RD	SALEM	AR	72576
COWEN CONSTRUCTION INC	1110 W 23RD ST	TULSA	OK	74107
CRANE CONSTRUCTION COMPANY LLC	343 WAINWRIGHT DR	NORTHBROOK	IL	60062
CRONISTER & COMPANY INC	FORBES FIELD BL 281 UNT E	TOPEKA	KS	66619

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CROSSLAND HEAVY CONTRACTORS INC	S HWY 69	COLUMBUS	KS	66275
CROWN CORR INC	7100 W 21ST AVE	GARY	IN	46406
CUNNINGHAM INC	112 6TH AVENUE W	OSKALOOSA	IA	52577
CUSTOM ROCK INTERNATIONAL	1156 HOMER ST	ST PAUL	MN	55116
CUTCO INC	RR 1 BOX 121	WYOMING	IL	61491
CYLX CORPORATION	BOX 1087	BARTLESVILLE	OK	74005
D & D PIPELINE CONSTRUCTION CO INC	4700 W HWY 117	SAPULPA	OK	74066
DALRYMPLE & CO	3675 S NOLAND RD STE 102	INDEPENDENCE	MO	64055
DAMALOS & SONS INC	204 TARPON INDUSTRIAL CIR	TARPON SPRINGS	FL	34689
DANNYS CONSTRUCTION CO INCORPORATED	1068 WEST THIRD AVENUE	SHAKOPEE	MN	55379
DAVE OSBORNE CONSTRUCTION CONTRACTI	15600 28TH AVE N	PLYMOUTH	MN	55447
DAVIS ELECTRICAL CONTRACTORS INC	429 N MAIN ST	GREENVILLE	SC	29602
DCG PETERSON BROTHERS COMPANY	5005 S HWY 71	SIOUX RAPIDS	IA	50585
DDD COMPANY	8000 CORPORATE DR #100	LANDOVER	MD	20785
DEI INC	1550 KEMPER MEADOW DR	CINCINNATI	OH	45240
DELCO ELECTRIC INC	7615 N CLASSEN BLVD	OKLAHOMA CITY	OK	73116
DEMCO INC	238 LEIN RD	BUFFALO	NY	14224
DEMTECH INC	65 BALD MOUNTAIN RD38	DUBOIS	WY	82513
DH GRIFFIN WRECKING CO INC	4700 HILLTOP RD	GREENSBORO	NC	27407
DIAMOND CONSTRUCTION COMPANY	2000 N 18TH ST	QUINCY	IL	62301
DIAMOND SURFACE INC	13792 REIMER DR	MAPLE GROVE	MN	55369
DIG AMERICA UTILITY CONTRACTING INC	606 25TH AVE SO STE 202	ST CLOUD	MN	56301
DIMENSIONAL TECHNOLOGY INC	6717 LINDEN LN	HUNTLEY	IL	60142
DIVERSIFIED CONTRACTORS INC	9308 W 87TH TERR	SHAWNEE MISSION	KS	66212
DIVINE INC	2310 REFUGEE RD	COLUMBUS	OH	43207
DL SMITH ELECTRICAL CONSTRUCTION INC	1405 SW 41ST ST	TOPEKA	KS	66609
DOBSON DAVIS COMPANY	8521 RICHARDS RD	LENEXA	KS	66215
DOME CORPORATION OF NORTH AMERICA	5450 EAST ST	SAGINAW	MI	48601
DON BELL HOMES INC	11599 N RIDGEVIEW	OLATHE	KS	66061
DONALD E MCNABB COMPANY INC	31250 S MILFORD RD	MILFORD	MI	48381
DOUBLE O MASONRY INC	722 S 260TH ST	PITTSBURG	KS	66762
DRAINAGE & GROUND IMPROVEMENT INC	275 MILLERS RUN RD	BRIDGEVILLE	PA	15017
DUAL TEMP ILLINOIS INC	3801 S SANGAMON ST	CHICAGO	IL	60609
DUCOING ENTERPRISES INC	1910 ESTELLE LANE	PLACENTIA	CA	92870
DUSTROL INC	GEN DEL	EL DORADO	KS	67042
DW PROEHL CONSTRUCTION INC	818 N HELEN AVE	SIOUX FALLS	SD	57104
E80 PLUS CONSTRUCTORS LLC	600 BASSETT ST	DEFOREST	WI	53532
ECONOMY ELECTRICAL CONTRACTORS	101 CENTURY 21 DR #204	JACKSONVILLE	FL	32216
EDWARD KRAEMER & SONS INC	ONE PLAINVIEW RD	PLAIN	WI	53577
ELCON CONSTRUCTION LLC	12221 DIXIE	REDFORD	MI	48239
ELECTRICAL LINE SERVICES INC	14200 S TULSA DR	OKLAHOMA CITY	OK	73170
ENERGY CONTROL SYSTEMS	357 MIXON LN	OZARK	AL	36360

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ENERGY DELIVERY SERVICES INC	3909 W FIFTH ST	CHEYENNE	WY	82003
ENTRUP DRYWALL & PAINTING INC	3 BLUFF VEIW RD	QUINCY	IL	62301
ENVIRONMENTAL LINERS INC	2009 N INDUSTRIAL RD	CORTEZ	CO	81321
EQUUS METALS	1415 S JOPLIN AVE	TULSA	OK	74112
ERVIN CABLE CONSTRUCTION INC	260 N LINCOLN BLVD E	SHAWNEETOWN	IL	62984
ESCO ELECTRICAL SERVICES INC	520 E MAIN	EL DORADO	AR	71730
EVCO NATIONAL INC	339 OLD ST LOUIS RD	WOOD RIVER	IL	62095
EXHIBIT SOURCE INC	530 W 172ND ST	SO HOLLAND	IL	60473
EXXEL PACIFIC INC	323A TELEGRAPH RD	BELLINGHAM	WA	98226
FABCON INCORPORATED	6111 WEST HIGHWAY 13	SAVAGE	MN	55378
FABCON LLC	3400 JACKSON PIKE	GROVE CITY	OH	43123
FALCON ELECTRIC INC	100 NORTH FIRST ST	CLARKSBURG	WV	26301
FARABEE MECHANICAL INC	P O BOX 1748	HICKMAN	NE	68372
FAYETTEVILLE PLUMBING & HEATING CO INC	P O BOX 1061	FAYETTEVILLE	AR	72702
FEDERAL FIRE PROTECTION INC	801 SECRETARY DR STE H	ARLINGTON	TX	76015
FIBER LOGIC INC	P O BOX 7804	RAPID CITY	SD	57709
FISHEL COMPANY THE	1810 ARLINGATE LANE	COLUMBUS	OH	43228
FLYING A PETROLEUM SERVICES LLC	2700 E PATRICK LANE	LAS VEGAS	NV	89120
FOLTZ CONSTRUCTION INC	BOX 38	PATOKA	IL	62875
FOLTZ WELDING PIPELINE MAINTENANCE	501 E CLINTON AVE	PATOKA	IL	62875
FORD CONTRACTING CORP	1307 E COURT ST	DYERSBURG	TN	38024
FOUR SEASONS AC HTG & REFRIG INC	1202 NW 5TH	ABILENE	KS	67410
FRANKENBERY BUILDERS INC	302 W 53RD ST N	WICHITA	KS	67204
FREDERICK ELECTRIC INC	26031 W 299TH ST	PAOLA	KS	66071
FREEMAN INDUSTRIES INC	11508 OLD HIGHWAY 71	FORT SMITH	AR	72915
FREESEN INC	316 S PEARL	BLUFFS	IL	62621
GALACTIC TECHNOLOGIES INC	400 N LOOP 1604 E STE 210	SAN ANTONIO	TX	78232
GALE INDUSTRIES INC	2339 BEVILLE RD	DAYTONA BEACH	FL	32119
GAMMA CONSTRUCTION COMPANY	2808 JOANEL	HOUSTON	TX	77027
GARY SANDERS MASONRY	109 AVE F	WEST POINT	IA	52656
GEISSLER ROOFING CO INC	612 S 3RD ST	BELLEVILLE	IL	62220
GENE FRITZEL CONSTRUCTION COMPANY I	628 VERMONT	LAWRENCE	KS	66044
GENE FRITZEL CONSTRUCTION SERVICES	628 VERMONT	LAWRENCE	KS	66044
GEORGE M RAYMOND CO	520 W WALNUT AVE	ORANGE	CA	92668
GFV CONSTRUCTION CO	733 CARPENTERS WAY #32	LAKELAND	FL	33809
GIBRALTAR CONSTRUCTION CO INC	42 HUDSON ST A207	ANNAPOLIS	MD	21401
GINGHER PROCESS PIPING INC	3011 N MAIN ST	EAST PEORIA	IL	61611
GLEESON CONSTRUCTORS INC	2015 E 7TH ST	SIOUX CITY	IA	51105
GLOBAL SECURITY & COMMUNICATION OF	10820 W 64TH	SHAWNEE	KS	66203
GOERLICH ROOFING INC	4400 HARRISON	QUINCY	IL	62301
GRAHAM CONSTRUCTION COMPANY	500 LOCUST ST	DES MOINES	IA	50309
GRAYLING INCORPORATED	10258 W 87TH ST	OVERLAND PARK	KS	66214

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GRAZZINI BROS COMPANY	620 16TH AVE S	MINNEAPOLIS	MN	55454
GREAT BARRIER ISULATION CO	1200 CORPORATE DR STE 325	BIRMINGHAM	AL	35238
GREAT SOUTH CONSTRUCTION CO INC	2500 HWY 31 SOUTH	PELHAM	AL	35124
GREAT SOUTHWESTERN CONSTRUCTION INC	6880 SO I 25	CASTLE ROCK	CO	80104
H & H SERVICES INC	391 OLD NORTH ROUTE 66	HAMEL	IL	62046
H & L ELECTRIC INC	8651 E HIGHWAY 24	MANHATTAN	KS	66502
H & M CONSTRUCTION CO INC	431 LIBERTY ST	MILAN	TN	38358
H&H DRYWALL SPECIALTIES INC	5200 S YALE STE 610	TULSA	OK	74135
HANSON ELECTRIC OF BEMIDJI INC	3125 BEMIDJI AVE N	BEMIDJI	MN	56601
HARBERT YEARGIN INC	105 EDINBURGH CR	GREENVILLE	SC	29607
HARDAWAY CONSTRUCTION CORP OF TENNE	615 MAIN STREET	NASHVILLE	TN	37206
HARNESS ROOFING INC	P O BOX 1382	HARRISON	AR	72601
HART PAINTING	2555 SW 50	OKLAHOMA CITY	OK	73119
HARTCO CABLE INC	P O BOX 32	GENESEO	IL	61254
HASTCO INC	813 GRAHAM	EMPORIA	KS	66801
HEBER E COSTELLO INC	609 COSTELLO ROAD	OAK GROVE	LA	71263
HENNING CONSTRUCTION COMPANY	5870 MERLE HAY RD	JOHNSTON	IA	50131
HENRIKSEN CONSTRUCTION INC	688 21 RD	AXTELL	NE	68924
HERITAGE HOUSING DEVELOPMENT INC	16133 VENTURA BLVD #965	ENCINO	CA	91436
HERMAN STEWART CONSTRUCTION & DEVEL	7611 SOUTH OSBORNE RD	UPPER MARLBORO	MD	20772
HOGUE HORN & PASHMAN INC	922 MISSOURI	LAWRENCE	KS	66044
HOLIAN ASBSTS RMVL & ENCPSLTN CORP	7504 MEYER RD	SPRING GROVE	IL	60081
HORIZONTAL BORING & TUNNELING CO	505 S RIVER AVE	EXETER	NE	68351
HOSPITALITY BUILDERS INC	506 S WILSON PO BOX 1565	ABERDEEN	SD	57402
HUEGERICH CONSTRUCTION INC	512 N COURT	CARROLL	IA	51401
HUFF SEALING CORPORATION	HWY 15E	ALBION	IL	62806
HUSTON CONTRACTING INC	25640 W 143RD ST	OLATHE	KS	66061
HUTTON POWER & TELEPHONE CONSTRUCTION CO	ALONG HWY 45	RUSHVILLE	MO	64484
HUXTABLE KC SERVICE INC	16210 W 108TH	LENEXA	KS	66219
HY VEE WEITZ CONSTRUCTION LC	1501 50TH ST BLDG 1 #325	WEST DES MOINES	IA	50266
ILLINI MECHANICAL INC	1024 LOWRY	PITTSFIELD	IL	62363
INDUSTRIAL MAINTENANCE CONTRACTORS INC	2301 GARDEN CITY HWY	MIDLAND	TX	79701
INDUSTRIAL POWER & PROCESS CORP	P O BOX 38995	GREENSBORO	NC	27438
INDUSTRIAL PROCESS TECHNOLOGY INC	2213 7TH AVE N	FARGO	ND	58108
INGRAM CONSTRUCTION COMPANY INC OF	173 HOY RD	MADISON	MS	39110
INNOVATIVE SYSTEMS OF KANSAS INC	2915 STRONG AVE	KANSAS CITY	KS	66106
INSULCON COMPANY INC	10500 UNIVERSITY CTR #155	TAMPA	FL	33612
INTEC SERVICES INC	454 LINK LN	FT COLLINS	CO	80522
INTERSTATES ELEC & ENGINEERING	1520 INDUSTRIAL PARK	SIOUX CENTER	IA	51250
INTL BROTHERHOOD OF ELECTRICAL WORK	106 N MONROE ST	WEST FRANKFORT	IL	62896
IRBY CONSTRUCTION CO	817 S STATE ST	JACKSON	MS	39201
IVEY MECHANICAL CO A PARTNERSHIP	514 NORTH WELLS ST	KUSCIUSKO	MS	39090

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J & J CONSTRUCTION & SUPPLY INC	1136 W KANSAS	MCPHERSON	KS	67460
J & J MAINTENANCE INC	3755 CAPITAL OF TX HWY S	AUSTIN	TX	78704
J W BUCK CONSTRUCTION CO INC	4103 FRANDFORD AVE	LUBBOCK	TX	79407
JAMES CAPE & SONS CO	6422 N HWY 31	RACINE	WI	53401
JAMES N GRAY CONSTRUCTION CO	250 W MAIN ST	LEXINGTON	KY	40507
JANSEN GLASS & MIRROR INC	5002 HADLEY	OVERLAND PARK	KS	66202
JARVIS C DAWSON	2121 E ROCK CREEK	NORMAN	OK	73071
JAY MCCONNELL CONSTRUCTION INC	8242 MARSHALL DR	LENEXA	KS	66214
JE CAMPBELL INC	HWY 45E SOUTH	SOUTH FULTON	TN	38257
JET HEATING INC	P O BOX 7362	SALEM	OR	97303
JF BRENNAN CO INC	820 BAINBRIDGE ST	LA CROSSE	WI	54603
JOEL FRITZEL BUILDERS INC	3320 CLINTON PKWY CT	LAWRENCE	KS	66047
JOHANSEN DRAINAGE & TILE	RT 1 BOX 152	RULO	NE	68431
JOHN A PAPALAS & CO	1187 EMPIRE	LINCOLN PARK	MI	48146
JOHN T JONES CONSTRUCTION CO	2213 7TH AVE NORTH	FARGO	ND	58108
JOHNSON INDUSTRIAL SERVICES INC	200 BENTLEY CIR	SHELBY	AL	35143
JOLLEY CONSTRUCTION COMPANY	6148 LEE HWY STE 200	CHATTANOOGA	TN	37421
JOMAX CONSTRUCTION COMPANY INC	S 281 HWY	GREAT BEND	KS	67530
JONES HYDROBLAST INC	P O BOX 309	ROYALTON	IL	62983
JR STELZER CO	5850 RUSSELL DR	LINCOLN	NE	68507
JS ROLLINS INC	1776 VFW ROAD	BARLOW	KY	42024
JT ROOFING INC	350 TOWER DR	SAUKVILLE	WI	53080
JULIAN CONSTRUCTION COMPANY	15521 W 110TH ST	LENEXA	KS	66219
JULIUS KAAZ CONSTRUCTION COMPANY IN	716 CHEROKEE	LEAVENWORTH	KS	66048
K & M ELECTRICAL CONTRACTORS	940 COMMERCIAL STE B	ATCHISON	KS	66002
K & M ELECTRICAL CONTRACTORS INC	940 COMMERCIAL SUITE B	ATCHISON	KS	66002
KAJIMA ASSOCIATES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	7632
KAJIMA CONSTRUCTION SERVICES INC	900 SYLVAN AVE	ENGLEWOOD CLIFF	NJ	7632
KANSAS BUILDING SYSTEMS INC	1701 SW 41ST	TOPEKA	KS	66609
KASBOHM CUSTOM DRILLING INC	11404 OAKTON RD	SAVANNA	IL	61074
KAYTON ELECTRIC INC	BOX 27	HOLDREGE	NE	68949
KDS CONSTRUCTION	9318 GULFSTREAM RD UNIT C	FRANKFORT	IL	60423
KEARNEY & SON CONSTRUCTION INC	2500 NORTH 7TH ST	LAWRENCE	KS	66044
KEITH AUSTIN	3001 WEDINGTON DR #106	FAYETTEVILLE	AR	72701
KELLEY DEWATERING & CONSTRUCTION CO	5175 CLAY AVENUE SW	WYOMING	MI	49548
KELLY CONSTRUCTION INC	P O BOX 32152	OKLAHOMA CITY	OK	73123
KENJURA TILE INC	BOX 158	BRENHAM	TX	77834
KEOKUK CONTRACTORS INC	853 JOHNSON ST RD	KEOKUK	IA	52632
KESSLER CONSTRUCTION INC	13402 W 92ND ST	LENEXA	KS	66215
KG MOATS & SONS	9515 US HWY 63	EMMETT	KS	66422
KGL ASSOCIATES INC	759 ADAMS ST	DENVER	CO	80206
KIM CONSTRUCTION CO INC	3142 HOLEMAN	STEGER	IL	60475

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KING LAR COMPANY	2020 E OLIVE STREET	DECATUR	IL	62525
KM PIPELINE CONSTRUCTION INC	5620 SOONER TREND RD	ENID	OK	73701
KNICKERBOCKER CONSTRUCTION INC	4823 LAKEWOOD DR	NORWALK	IA	50211
KUHLMAN REFRIGERATION INC	N56W16865 RIDGEWOOD 100	MENOMONEE FALLS	WI	53051
KURISU INTERNATIONAL INC	11125 SW BARBUR BL	PORTLAND	OR	97219
L & J CONSOLIDATED ENTERPRISES INC	107 OXFORD	HARRISON	AR	72601
L & L CONSTRUCTION SERVICES INC	107 3RD ST	DES MOINES	IA	50309
L & L INSULATION & SUPPLY CO	3305 SE DELAWARE AVE	ANKENY	IA	50021
LAKE CONTRACTING INC	4650 STONE CHURCH RD	ADDIEVILLE	IL	62214
LAKEVIEW CONSTRUCTION OF WISCONSIN	10505 CORPORATE DR #200	PLEASANT PRAIRIE	WI	53158
LANDSCAPES UNLIMITED INC	1601 OLD CHENEY RD	LINCOLN	NE	68512
LARRY C MCCRAE INC	3333 W HUNTING PARK AVE	PHILADELPHIA	PA	19132
LARRY COX CONSTRUCTION	50 FORT COX RD	HEBER SPRINGS	AR	72543
LARRY LANEY CONSTRUCTION	12642 W 66TH	SHAWNEE	KS	66216
LEMAR CONSTRUCTION	2829 BRADY ST	DAVENPORT	IA	52803
LESSARD NYREN UTILITIES INC	17385 FOREST BLVD N	HUGO	MN	55038
LH SOWLES CO	2813 BRYANT AVE S	MINNEAPOLIS	MN	55408
LICAUSI CONSTRUCTION COMPANY	8301 W 125TH ST	OVERLAND PARK	KS	66213
LIMBAUGH CONSTRUCTION CO INC	4186 HWY 162	GRANITE CITY	IL	62040
LIN R ROGERS ELECTRICAL CONTRACTORS	3000 NORTHFIELD PL ST1100	ROSWELL	GA	30076
LINAWEAVER CONSTRUCTION INC	24000 147TH ST	LEAVENWORTH	KS	66048
LITTLE ROCK ELECTRICAL CONTRACTORS	13008 LAWSON RD	LITTLE ROCK	AR	72210
LONG CONSTRUCTION INC	1505 MORGAN	PARSONS	KS	67357
LONGAN CONSTRUCTION COMPANY	1635 US HWY 59 N	GROVE	OK	74344
LOWE NORTH CONSTRUCTION INC	800 A LINE DR	SPRING HILL	KS	66083
LPR CONSTRUCTION CO	1171 DES MOINES AVE	LOVELAND	CO	80537
LUNDA CONSTRUCTION CO	620 GEBHARDT RD	BLACK RIVER FAL	WI	54615
LUTTENBERGER & CO INC	1501 MONROE ST	TOLEDO	OH	43624
LVI ENVIRONMENTAL SERVICES	225 FENCL LANE	HILLSIDE	IL	60162
M & P UTILITIES INC	2242 HWY 55	HAMEL	MN	55340
M A MORTENSON CO	700 MEADOW LN N	MINNEAPOLIS	MN	55422
MAGUIRE IRON INC	300 W WALNUT BOX 1446	SIOUX FALLS	SD	57101
MAINLINING SERVICES INC	P O BOX 96	ELMA	NY	14059
MANOR ELECTRIC INC	548 WILLOW DRIVE	LONG LAKE	MN	55356
MARATHON BUILDERS INC	4144 N CENTRAL #660	DALLAS	TX	75204
MARICK INC	1710 2ND AVE	DES MOINES	IA	50314
MARRS ELECTRIC INC OF ARKANSAS	701 KAWNEER DR	SPRINGDALE	AR	72764
MARSHALL CONSTRUCTION INC	17739 CARTWRIGHT MTN RD	MOUNTAINBURG	AR	72946
MATRIX BUILDERS INC	1818 SW CREST DR	TOPEKA	KS	66604
MAX TRUE FIREPROOFING CO	6500 S 39TH AVE	TULSA	OK	74132
MBK CONSTRUCTION LTD	175 TECHNOLOGY	IRVINE	CA	92718
MCADAM LLC	720 N CEDAR	MORAN	KS	66755

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
MCBRIDE ELECTRIC INC	3215 E 9TH N	WICHITA	KS	67208
MCBURNEY CORPORATION THE	4274 SHACKLEFORD RD	NORCROSS	GA	30091
MCCARTIN MECHANICAL CONTRACTOR INC	2999 PARKWAY DR	DECATUR	IL	62526
MCINNIS BROTHERS CONSTRUCTION INC	119 PEARL ST	MINDEN	LA	71058
MCKNIGHT MASONRY	5319 ROSEWOOD DR	ROELAND PARK	KS	66205
MCMASTER CONSTRUCTION INC	138 NE 46TH	OKLAHOMA CITY	OK	73105
MCPHERSON WRECKING INC	2333 BARTON RD	GRANTVILLE	KS	66429
MCWHORTER & CO INC	P O BOX 907	ANNISTON	AL	36202
MEADOWS CONSTRUCTION CO INC	1014 FRONT ST	TONGANOXIE	KS	66086
MEI CONTRACTORS INC	17723 AIRLINE HWY	PRAIRIEVILLE	LA	70769
MERIC INC	1050 A W JEFFERSON	MORTON	IL	61550
METAL ROOFING SPECIALIST LLC	11511 STATE LINE RD	KANSAS CITY	MO	64114
MEYERS TURF FARMS INC	19055 METCALF	STILWELL	KS	66085
MICHAEL CONSTRUCTION CO INC	SECONDARY RT 79 BOX 143	DRY BRANCH	WV	25061
MICRO PAVERS INC	127 FAUBER RD	E PEORIA	IL	61611
MID AMERICA ROOFING CONSTRUCTION &	1035 N 69 HWY	FRONTENAC	KS	66763
MID CO CONTRACTORS INC	P O BOX 391	FORT SCOTT	KS	66701
MID CONTINENTAL RESTORATION CO INC	BOX 429	FORT SCOTT	KS	66701
MID STATES MECHANICAL SERVICES INC	HWY 169 SOUTH	MANKATO	MN	56001
MIDLAND MARBLE & GRANITE LLC	9900 PFLUMM RD STE 32	LENEXA	KS	66215
MIDLAND WRECKING INC	15 HENNING	LENEXA	KS	66215
MIDWEST CONSTRUCTION SYSTEMS INC	100 S MAIN ST STE 504	LITTLE ROCK	AR	72201
MIDWEST CONTRACTORS INC	1805 MAIN STREET WEST	ASHLAND	WI	54806
MIDWEST DEWATERING COMPANY INC	1333 125TH ST	WHITING	IN	46394
MIDWEST ELEVATOR CO INC	1116 E MARKET STREET	INDIANAPOLIS	IN	46202
MIDWEST PUMP & EQUIPMENT CO	2300 S 7TH ST	LINCOLN	NE	68502
MIDWEST TOWERS INC	2806 COUNTRY CLUB DRIVE	CHICKASHA	OK	73018
MIDWESTERN POWER LINE INC	HWY 75, 2 MI NORTH	DEWEY	OK	74029
MIDWESTERN SERVICES INC	1913 7TH ST	SNYDER	TX	79549
MILLER THE DRILLER	5125 E UNIVERSITY	DES MOINES	IA	50317
MILLERS PRO CUT	6410 W 72ND TERR	OVERLAND PARK	KS	66204
MILLGARD CORPORATION THE	12822 STARK RD	LIVONIA	MI	48150
MILLPOINT INDUSTRIES INC	3010 A S ELM EUGENE ST	GREENSBORO	NC	27406
MISSOURI VALLEY INC	4614 MCCARTY	AMARILLO	TX	79110
MODERN LIGHTING & ELECTRIC INC	1150 S VO LN	JACKSON	WY	83001
MOORHEAD ELECTRIC INC	2419 12TH AVE S	MOORHEAD	MN	56560
MORGAN MARSHALL INDUSTRIES INC	383 E 16TH ST	CHICAGO HEIGHTS	IL	60411
MORNINGSTAR CONSTRUCTION CO	8751 GODDARD	OVERLAND PARK	KS	66214
MOSLEY ELECTRIC INC	POST OFFICE BOX 789	QUINCY	IL	62301
MOUNTAIN MECHANICAL CONTRACTORS INC	2210 S SCHOOL	FAYETTEVILLE	AR	72701
MOWERY BACKHOE & TRENCHER SERVICE	25374 TONGANOXIE RD	LEAVENWORTH	KS	66048
MTA INDUSTRIAL PAINTING CORPORATION	1055 N PINELLAS AVE	TARPON SPRINGS	FL	34689

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MULTI CRAFT CONTRACTORS INC	2300 LOWELL RD	SPRINGDALE	AR	72764
MULTIPLE CONCRETE ENTERPRISES	1680 W 1000 N	LAYTON	UT	84041
MUNICIPAL PIPE TOOL COMPANY INC	515 5TH ST	HUDSON	IA	50643
MURPHY & SONS ROOFING	1010 NORTH 54TH ST	KANSAS CITY	KS	66102
MUSE EXCAVATION & CONSTRUCTION CO	504 S 8TH ST	ELWOOD	KS	66024
MUSTANG LINE CONTRACTORS INC	9105 N DIVISION ST STE A	SPOKANE	WA	99218
MW BUILDERS OF KANSAS INC	11100 ASH ST STE 210	LEAWOOD	KS	66211
NATGUN CORP	11 TEAL RD	WAKEFIELD	MA	1880
NATIONAL ABATEMENT CORPORATION	3080 N CENTER RD	FLINT	MI	48506
NATIONAL COATING & MFG INC	ROUTE 5 BOX 285	ADA	OK	74820
NATIONAL CONSTRUCTION SERVICES INC	520 LANCASTER AVE	FRAZER	PA	19355
NATIONAL INDUSTRIAL MAINTENANCE SER	121 EDWARDS DR	JACKSON	TN	38302
NATIONAL SERVICE CLEANING CORP	3575 W 12TH ST	HOUSTON	TX	77008
NATIONAL STEEL ERECTORS	BOX 709	MUSKOGEE	OK	74402
NEBCO STEEL ERECTORS INC	2001 A ADAMS ST	GRANITE CITY	IL	62040
NEBRASKA MIDWEST CONSTRUCTION COMPA	406 N 22ND ST	NEBRASKA CITY	NE	68410
NELSON INDUSTRIAL SERVICES INC	6021 MELROSE LN	OKLAHOMA CITY	OK	73127
NETWORK CONSTRUCTION SERVICES INC	2606 700 PHOENIX DR	GREENSBORO	NC	27406
NEW DIMENSION INC	631 E BIG BEAVER #109	TROY	MI	48083
NHC CONSTRUCTION LLC	5960 DEARBORN STE 15	MISSION	KS	66202
NO FAULT INDUSTRIES INC	11325 PENNYWOOD AVE	BATON ROUGE	LA	70809
NORMENT SECURITY GROUP INC	3224 MOBILE HWY	MONTGOMERY	AL	36108
NORTH BROS INC	208 E WOODLAWN RD STE 200	CHARLOTTE	NC	28217
NORTH CENTRAL BUILDERS INC	321 N BROADWAY	HARTINGTON	NE	68739
NORTH COAST 88 INC	170 EAST MAIN ST	NORWALK	OH	44857
NORTH MISSISSIPPI CONVEYOR COMPANY INC	HWY 7S LAFAYETTE CO RD370	OXFORD	MS	38655
NORTHERN CLEARING INC	1805 W MAIN ST	ASHLAND	WI	54806
NORTHLAND CONTRACTING INC	HIGHWAY 2 EAST	SHEVLIN	MN	56676
NORTHWEST ENERGY SYSTEMS INC	315 S GREGG ST	FAYETTEVILLE	AR	72701
NUTRIJECT SYSTEMS INC	515 5TH ST	HUDSON	IA	50643
O & M SERVICES INC	207 E MAIN ST	FAIRFIELD	IL	62837
ODONNELL & SONS CONSTRUCTION CO INC	15301 BROADMOOR ST	OVERLAND PARK	KS	66223
OFALLON ELECTRIC COMPANY	P O BOX 488	OFALLON	IL	62269
OMNITECH ROBOTICS INC	2640 S RARITAN CIR	ENGLEWOOD	CO	80110
ONEAL ELECTRIC SERVICE INC	3073 MERRIAM LN	KANSAS CITY	KS	66106
P & P CONSTRUCTION CO	1132 E LINCOLN ST	RIVERTON	IL	62561
PACE AND WAITE INC	7501 S MEMORIAL PKWY #205	HUNTSVILLE	AL	35802
PARADISE FIBERGLASS POOLS INC	3115 N ILL AVE	SWANSEA	IL	62226
PAVEMENT SPECIALISTS INC	15 238 CO RD M1	NAPOLEON	OH	43545
PEOPLE & MACHINES CORP	2468 33RD AVE	COLUMBUS	NE	68601
PERINI CORPORATION	73 MT WAYTE AVENUE	FRAMINGHAM	MA	1701
PERMANENT PAVING INC	8900 INDIAN CREEK PKWY	OVERLAND PARK	KS	66210

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PETERSON CONSTRUCTION	1929 WEST SECOND ST	WEBSTER CITY	IA	50695
PETERSON CONTRACTORS INC	104 BLACKHAWK ST	REINBECK	IA	50669
PHAROS CONTRACTING CO INC	P O BOX 1802	POINT PLEASANT BEACH	NJ	8742
PHILLIPS & JORDAN INC	6621 WILBANKS RD	KNOXVILLE	TN	37912
PHILLIPS GETSCHOW CO	229 VAN BUREN ST	OCONTO FALLS	WI	54154
Pinnacle Construction Inc	203 N CHESTNUT ST	GLENWOOD	IA	51534
Pioneer Group Inc	8600 JUNIPER LANE	PRAIRIE VILLAGE	KS	66207
Piping Companies Inc	1520 S 129TH W AVE	SAND SPRINGS	OK	74063
Pittsburg Tank & Tower Co Inc	515 PENNEL ST	HENDERSON	KY	42420
Pizzagalli Construction Company	50 JOY DR	S BURLINGTON	VT	5407
Plowman Construction Company Inc	8249 W 95TH ST STE 105	OVERLAND PARK	KS	66212
Pneumatic Systems Installation Inc	11213 RILEY	OVERLAND PARK	KS	66210
Poultry Buildings Inc	235 SOUTH 40TH	SPRINGDALE	AR	72765
PreCast Erectors Inc	13400 TRINITY BLVD	EULESS	TX	76040
Precision Casework & Trim Inc	816 SE 83RD	OKLAHOMA CITY	OK	73129
Pro Quip Corporation	8522 E 61ST ST	TULSA	OK	74133
Proformance Electric Inc	11201 W 59TH TERRACE	SHAWNEE	KS	66203
Progressive Contractors Inc	14123 42ND ST NE	ST MICHAEL	MN	55376
PSIDB Inc	W232 S7530 BIG BEND DR	BIG BEND	WI	53103
Pulte Homes of Greater Kansas City	8700 STATE LINE RD #309	LEAWOOD	KS	66206
Pyramid Contractors Inc	891 W IRONWOOD RD	OLATHE	KS	66061
Quality Awning & Construction Co	7937 SCHAEFER RD	DEARBORN	MI	48126
R & R Electric Inc	HWY 75 N PO BOX 181	BRECKENRIDGE	MN	56520
R IZOKAITIS Construction Inc	14817 GRANT ST	OMAHA	NE	68116
R Messner Construction Co Inc	3595 N WEBB RD #500	WICHITA	KS	67226
R N Harris Construction Co	3200 HASKELL AVE STE 140	LAWRENCE	KS	66046
Ranger Plant Constructional Co Inc	5851 E US HIGHWAY 80	ABILENE	TX	79601
RCS Construction Inc	197 OLD ST LOUIS RD	WOOD RIVER	IL	62095
RD Olson Construction A CA LP	2955 MAIN ST 3RD FLR	IRVINE	CA	92614
RDC Manufacturing Inc	200 LUKKEN INDUSTRIAL DR	LA GRANGE	GA	30240
Reasons Construction Company Inc	3825 EAST END DR	HUMBOLDT	TN	38343
Reclamation Associates Inc	105 S MAIN	WALNUT	KS	66780
Rednour Steel Erectors Inc	HWY 150	CUTLER	IL	62238
Renier Construction Corporation	2164 CITY GATE DRIVE	COLUMBUS	OH	43219
Rentenbach Constructors Inc	2400 SUTHERLAND AVE	KNOXVILLE	TN	37919
Reserv Construction Co Inc	7101 SHARONDALE CT #200	BRENTWOOD	TN	37027
Retail Construction Services Inc	11343 39TH ST N	ST PAUL	MN	55042
Retail Storefront Group Inc	419 MIAMI AVE	LEEDS	AL	35094
Revenue Solutions Inc	752 WASHINGTON ST	PEMBROKE	MA	2359
RFB Construction Co Inc	3222 NW 160 HWY	CHEROKEE	KS	66724
Richard Goettle Inc	12071 HAMILTON AVE	CINCINNATI	OH	45231
Richardson Corporation	WATER PLANT RD	OWINGSVILLE	KY	40360

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RJ PITCHER INC	4575 BUCKLEY RD	LIVERPOOL	NY	13088
RMP INC	19870 CEDAR NILES RD	GARDNER	KS	66030
ROBERT ELDRIDGE CONSTRUCTION MANAGE	16 S SECOND ST	STILWELL	OK	74960
ROBERT W BRITZ PAINTING COMPANY INC	14272 FRAZEE RD	DIVERNON	IL	62530
ROBERTSON PAINTING INC	3116 S ARROWHEAD CT	INDEPENDENCE	MO	64057
ROD BUSTERS INC	624 S MISSOURI ST STE 100	INDIANAPOLIS	IN	46260
ROLLING PLAINS CONSTRUCTION INC	12331 N PEORIA	HENDERSON	CO	80640
ROMAN MOSAIC & TILE CO	1105 SAUNDERS CR	WEST CHESTER	PA	19380
ROSE LAN CONTRACTORS INC	952 OSAGE	KANSAS CITY	KS	66105
ROYAL ELECTRIC CONSTRUCTION INC	7905 MONTICELLO RD	SHAWNEE MISSION	KS	66203
RP INDUSTRIES INC	105 REYNOLDS DR	FRANKLIN	TN	37064
RSI CONSTRUCTION INC	2705 HOLLOWAY PRAIRIE RD	PINEVILLE	LA	71360
RUSSELL CONSTRUCTION CO	3032 A NORTH FRAZIER ST	CONROE	TX	77303
RUSSIAN CONCRETE CONSTRUCTION	1133 S 205TH	PITTSBURG	KS	66762
RYAN FLOORS INC	305 CARL STREET	ROCKVILLE	MD	20851
SAGEZ CONSTRUCTION INC	HC61 BOX 17	HARDIN	IL	62047
SAJO CONSTRUCTION INC	2141 PRESTON ST	RICHMOND	TX	77469
SCI GENERAL CONTRACTORS INC	4530 BARKSDALE BLVD STE C	BOSSIER CITY	LA	71112
SCOTT & LANDERS INC	200 N OSAGE	WICHITA	KS	67203
SERRAULT SERVICES OF KANSAS INC	7625 LAKESIDE AVE	MANHATTEN	KS	66502
SERVICEMAGIC INC	1626 COLE BLVD #200	GOLDEN	CO	80401
SERVICEMASTER DESIGN BUILD LLC	8615 FREEPORT PKWY 5-100	IRVING	TX	75063
SGT LTD I	3407 TORREY RD	FLINT	MI	48507
SHAW CONTRACT FLOORING SERVICES INC	616 E WALNUT AVE	DALTON	GA	30722
SHAY ROOFING INC	1999 S 59TH ST	BELLEVILLE	IL	62223
SHILOH STEEL FABRICATORS INC	200 EAST HWY 264	SPRINGDALE	AR	72764
SIERRA BRAVO INC	7038 STATE HWY 154	SESSER	IL	62884
SKYLIGHT MANUFACTURING INC	1208 ALDINE MAIL ROUTE	HOUSTON	TX	77039
SLUDGE TECHNOLOGY INC	8101 W 33RD STREET S	MUSKOGEE	OK	74401
SNELL NORTHCUTT ELECTRIC INC	P O BOX 24601	LITTLE ROCK	AR	72221
SOONER BUILDERS & INVESTMENTS INC	26005 E ADMIRAL	CATOOSA	OK	74015
SOPTIC PANNELL CONSTRUCTION CO INC	2038 S 49TH ST	KANSAS CITY	KS	66106
SOUTHERN ELECTRICAL SERVICES INC	475 METROPLEX DR STE 405	NASHVILLE	TN	37211
SPARKS & WIEWEL CONSTRUCTION CO	6200 BROADWAY	QUINCY	IL	62301
SPARROW PLUMBING & HEATING INC	313 DELAWARE	QUINCY	IL	62301
SPECIALTY CONSTRUCTORS INC	2445 ALAMO STREET SE	ALBUQUERQUE	NM	87106
SPINIELLO LIMITED INC	35 AIRPORT RD	MORRISTOWN	NJ	7962
STAR CONTRACTING SERVICE INC	11245 S PENROSE	OLATHE	KS	66061
STELLAR GROUP INC	2900 HARTLEY RD	JACKSONVILLE	FL	32257
STEVENS ELECTRIC OF QUINCY INC	526 S 9TH ST	QUINCY	IL	62306
STORY CONSTRUCTION CO	300 S BELL AVE	AMES	IA	50010
STRATEGIC INFORMATION SOLUTIONS	20 N CLARK ST STE 1650	CHICAGO	IL	60602

<u>Contractor</u>	<u>Address</u>	<u>City</u>	<u>State</u>	<u>Zip</u>
STRAUB CONSTRUCTION CO INC	10575 WIDMER	LENEXA	KS	66215
STRUKEL ELECTRIC INC	1375 W WALNUT ST	GIRARD	KS	66743
STUEVE CONSTRUCTION COMPANY	2201 E OAK ST	ALGONA	IA	50511
SUNBELT INSULATION CO INC	P O BOX 381491	BIRMINGHAM	AL	35238
SUNCON INC	#2 TERMINAL DR STE 17A	EAST ALTON	IL	62002
SUNLAND CONSTRUCTION INC	HWY 13 SOUTH	EUNICE	LA	70535
SUPERIOR CONCRETE PRODUCTS	P O BOX 201625	ARLINGTON	TX	76006
SUPERIOR FLOORS INC	3225 N PROSPECT RD	PEORIA	IL	61603
SURFACE PREPARATION TECHNOLOGIES INC	81 TEXACO ROAD	MECHANICSBURG	PA	17055
SW FRANKS CONSTRUCTION CO	2070 WEST 3RD ST	CLEVELAND	OH	44113
SW HUFFMAN CONSTRUCTION INC	BOX 99	OTTUMWA	IA	52501
SYLVAN INDUSTRIAL PIPING INC	815 AUBURN AVE	PONTIAC	MI	48342
SYRSTONE INC	201 S MAIN ST	NORTH SYRACUSE	NY	13212
T SQUARE MILLWRIGHT SERVICES INC	BOX 519	N WEBSTER	IN	46555
TAFT CONTRACTING CO INC	5525 W ROOSEVELT	CICERO	IL	60804
TANCO ENGINEERING INCORPORATED	1030 BOSTON AVE	LONGMONT	CO	80501
TECH BUILDERS INC	410 DOWNTOWN PLZ	FAIRMONT	MN	56031
TERWISSCHA CONSTRUCTION INC	1107 HAZELTINE BLVD MD 68	CHASKA	MN	55318
TEXAS COMMERCIAL FENCE INC	320 SOUTHLAND DR	BURNET	TX	78611
TEXAS STONE & TILE INC	2683 LOMBARDY LANE	DALLAS	TX	75220
THERMAL APPLICATORS INC	LOT 83645 554TH AVE	NORFOLK	NE	68701
THIEMS CONSTRUCTION CO INC	P O BOX 386	EDWARDSVILLE	IL	62025
THOMAS L BEAR CONSTRUCTION INC	14758 202ND STREET	BLOOMFIELD	IA	52537
TIC THE INDUSTRIAL COMPANY	40185 ROUTT COUNTY RD 129	STEAMBOAT SPRGS	CO	80477
TITAN CONTRACTING & LEASING CO INC	2205 RAGU DRIVE	OWENSBORO	KY	42302
TMI COATINGS INC	2805 DODD RD	EAGAN	MN	55121
TMJ ENTERPRISES INC	7707 T STREET	LITTLE ROCK	AR	72207
TNT CONSTRUCTION CO INC	190 E EASY ST UNIT J	CAROL STREAM	IL	60188
TOAN INC	5320 SPEAKER ROAD	KANSAS CITY	KS	66106
TONTO CONSTRUCTION INC	HWY 16 W 78TH ST	MUSKOGEE	OK	74401
TRAC WORK INC	303 W KNOX	ENNIS	TX	75119
TRAYLOR BROS INC	835 N CONGRESS AVE	EVANSVILLE	IN	47715
TRI STATE BUILDING SUPPLY CO INC	N HWY 69	PITTSBURG	KS	66762
TRI STATE PAVING INC	STATE LINE RD	PICHER	OK	74360
TRI STATE SIGNING	509 BAILEY AVE	NEW HAMPTON	IA	50659
TRIGON ENGINEERING INC	475 17TH ST #300	DENVER	CO	80202
TSC OF KANSAS INC	2200 W 75TH ST STE 15	PRAIRIE VILLAGE	KS	66208
TULSA DYNASPAWN INC	1601 E HOUSTON ST	BROKEN ARROW	OK	74012
TWEEDY CONTRACTORS INC	CORNER OF PYBURN & HOELSC	POCAHONTAS	AR	72455
TWIN CITY POOLS INC	948 KANSAS AVE	KANSAS CITY	KS	66105
UNITED CONTRACTORS INC	6678 NW 62ND AVE	JOHNSTON	IA	50131
UNITED EXCEL CORPORATION	8041 W 47 ST STE 100	OVERLAND PARK	KS	66204

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UNIVERSAL CONTRACTING CO	1207 LUCAS	BURLINGTON	IA	52601
UNIVERSAL MACHINERY ERECTORS INC	3106 CLAY TURNER RD	PLANT CITY	FL	33566
UWOHALI INCORPORATED	4950 RESEARCH DR	HUNSTVILLE	AL	35805
VAUGHN ELECTRIC CO INC	313 E FLORIDA AVE	UNION CITY	TN	38261
VEI GENERAL CONTRACTORS INC	HWY 7 S & E 39TH ST	RUSSELLVILLE	AR	72801
VERSATILE INSTALLATIONS INC	10065 S ANDERSON DR	CHGO RIDGE	IL	60415
VFP FIRE SYSTEMS INC	825 CORPORATE WOODS PKWY	VERNON HILLS	IL	60061
VISTA CONSTRUCTION INC	2526 EAST 71ST ST STE E	TULSA	OK	74136
VISU SEWER CLEAN & SEAL INC	W230 N4855 BETKER RD	PEWAUKEE	WI	53072
VOLTEK INC	8807 W 89TH ST	OVERLAND PARK	KS	66212
VON ALST INC	2416 SMELTING WORKS RD	BELLEVILLE	IL	62221
VON ROLL INC	3080 NORTHWOODS CR STE200	NORCROSS	GA	30071
W G YATES & SONS CONSTRUCTION COMPA	104 GULLY AVENUE	PHILADELPHIA	MS	39350
WALKER CONSTRUCTION CO INC	HWY 50 TO KAHOLA LAKE RD	EMPORIA	KS	66801
WALT WAGNER CONSTRUCTION INC	305 S FIFTH ST	LEAVENWORTH	KS	66048
WALTER CONSTRUCTION USA INC	441 SW 41ST ST	RENTON	WA	98055
WASATCH ELECTRIC A DIVISION OF DYN	1420 SPRING HILL RD SE500	MCLEAN	VA	22102
WEATHERCRAFT COMPANY OF GRAND ISLAND	312 NORTH ELM STREET	GRAND ISLAND	NE	68801
WEBB ELECTRIC COMPANY	34375 W 12 MILE RD	FARMINGTON HILL	MI	48331
WEBER AIR CONDITIONING CO INC	2501 CONE DR	TARRANT	AL	35217
WEITZ COMPANY INC	800 SECOND AVE	DES MOINES	IA	50309
WELLS & WEST INC	VALLEY VILLAGE SHOPPING C	MURPHY	NC	28906
WELSH COMPANIES	8200 NORMANDALE BLVD #200	MINNEAPOLIS	MN	55437
WESSELS CONSTRUCTION CO INC	1800 DES PLAINES AVE	FOREST PARK	IL	61030
WEST SIDE MECHANICAL INC	P O BOX 11247	KANSAS CITY	KS	66111
WESTERN METAL PRODUCTS LC	1462 W 1500 S	WOODS CROSS	UT	84087
WH BASS INC	5664 D PEACHTREE PKWY	NORCROSS	GA	30092
WHITE MOUNTAIN CABLE CONSTRUCTION C	OLD DOVER RD	EPSOM	NH	3234
WHITEFORD CONSTRUCTION CO INC	1605 DOOLEY RD	WHITEFORD	MD	21160
WHITING TURNER CONTRACTING CO THE	300 E JOPPA RD	BALTIMORE	MD	21286
WIEMELT PLUMBING & EXCAVATING INC	2709 PARKER DR	QUINCY	IL	62301
WILLIAMS BUILDING CORPORATION	10633 RENE	LENEXA	KS	66215
WILLIAMS ELECTRIC CO INC	695 DENTON BLVD	FORT WALTON BEA	FL	32547
WITCHER CONSTRUCTION CO	9855 W 78TH ST	MINNEAPOLIS	MN	55344
WOODS CONSTRUCTION INC	34650 KLEIN	FRASER	MI	48026
WR NEWMAN & ASSOCIATES INC	2854 LOGAN ST	NASHVILLE	TN	37211
YAZAKI EDS ENGINEERING INC	6800 HAGGERTY RD	CANTON	MI	48187
YORK CONTRACTORS INC	21025 W 105TH ST	OLATHE	KS	66061
YOUNG INSULATION GROUP OF NASHVILLE INC	7119 COCKRILL BEND IND BL	NASHVILLE	TN	37209
ZIMMERMAN CONSTRUCTION COMPANY INC	11005 W 126 ST	OVERLAND PARK	KS	66213

OFFICE OF ADMINISTRATION
Division of Purchasing

BID OPENINGS

Sealed Bids in one (1) copy will be received by the Division of Purchasing, Room 580, Truman Building, P.O. Box 809, Jefferson City, MO 65102, telephone (573) 751-2387 at 2:00 p.m. on dates specified below for various agencies throughout Missouri. Bids are available to download via our homepage: <http://www.state.mo.us/oa/purch/purch.htm>. Prospective bidders may receive specifications upon request.

B1E01028 Laboratory Supplies: Antibody Test Kits 8/15/00;
B1Z01016 Laundry Equipment: Flat Ironer 8/15/00;
B1Z01038 Fabric: Duck 8/15/00;
B1Z01039 Fabric, Breadcloth 8/15/00;
B3Z00241 Waste Tire Clean-Up 8/15/00;
B1E01040 Lab Reagents: Neonatal Hypothyroid Tests 8/16/00;
B2Z00099 Software Training: COOL: Gen/I-Case/Biz/Plex 8/16/00;
B3Z00225 Blindness Literacy Study 8/16/00;
B1Z01015 Walk-In Freezer 8/17/00;
B1E01052 Flares, Safety: Fusee Type 8/18/00;
B1Z01048 Portable Breath Testers 8/18/00;
B3Z01006 Medical Consultation Services 8/18/00;
B1Z01029 Vehicles: Patrol Cars Model Year 2001 8/21/00;
B3Z00240 Financial Reimbursement System 8/22/00;
B3Z01007 African American Marketing-Tourism 8/22/00;
B3Z01014 Daily Transportation Services 8/22/00;
B3Z01026 Abandoned Property Identification & Collection 8/23/00;
B1Z01031 Grocery: Fruit Flavored Drink Mix 8/24/00;
B2Z00104 Internet Dial Access 8/25/00;
B3Z00243 Printing: Carbonless Forms 8/29/00;
B3Z01005 Abstinence Only Education 8/30/00.

It is the intent of the State of Missouri, Division of Purchasing to purchase the following as a single feasible source without competitive bids. If suppliers exist other than the one identified, contact (573) 751-2387 immediately.

1.) Mid-America Labor Management Conference, supplied by Mid-America Labor/Management.
2.) Voice Mail Subscription Service, supplied by Sprint Business Markets.
3.) Local Interagency Coordinating Council Activities (related to redesign of the First Steps System), supplied by various coordinating councils. Please contact the Buyer at (573) 751-1695 for a complete listing.

1.) B.S. Degree in Social Work with an Emphasis on Services for the Deaf, supplied by William Woods University.
2.) Radio Spots for the Division of Highway Safety, supplied by Learfield Communications.

Boating Safety Education & Information Dissemination through Radio Broadcasts and Internet Website, supplied by Learfield Communications.

Joyce Murphy, CPPO,
Director of Purchasing

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—23 (1998), 24 (1999) and 25 (2000). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable and RUC indicates a rule under consideration.

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